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ABSTRACT

Seven model curriculum syllabi, designed by teachers for use in teacher education classes, feature the use of primary sources and informed personal judgement in teaching humanities based citizenship education courses. "Education and the Changing Meaning of American Citizenship" (B. McClellan) explores how and to what degree U.S. educators have directed U.S. education. "Social meanings of U.S. Citizenship, 1865-1925" (N. Cott) addresses the changing meaning of and participation in U.S. citizenship during these years, while "Individualism and the Common Good in the United States" (D. Grimstead) describes U.S. values and practices in relation to individualism versus what is good for all people. "The Ethics of Good Citizenship" (R. Tong) discusses specific U.S. citizenship qualities and tensions, and "A History of Original and Secondary Materials" (K. Hall) describes minorities' struggles to obtain citizenship. "Citizenship and Constitutionalism" (C. Schutz) offers an historical approach to the rise of constitutionalism, and "Principles of Citizenship: Historical Development" (L. Berns) considers the philosophical meaning of good citizenship. Each syllabus provides lists of primary and secondary source materials, organized by weeks, and the full-text of selected primary source readings. Some syllabi provide discussion questions and supplementary reading lists. (JHP)

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# FOUNDATIONS OF AMERICAN CITIZENSHIP:

NEW DIRECTIONS FOR EDUCATION

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COUNCIL OF CHIEF STATE SCHOOL OFFICERS

# FOUNDATIONS OF AMERICAN CITIZENSHIP:

## NEW DIRECTIONS FOR EDUCATION

COUNCIL OF CHIEF STATE SCHOOL OFFICERS

The Council of Chief State School Officers' Arts and Humanities staff wish to thank everyone who has labored to make the publication of this text possible. A complete list of individuals and institutions involved follows the conclusion of the narrative. Special thanks, however, must be given to the U.S. Department of Education's Fund for the Improvement of Postsecondary Education, and the John M. Olin Foundation. Without these two gracious sponsors, the development, writing, and publication of this book would have been impossible. The editors hasten to point out that the views expressed in the following pages are those of the authors, and do not necessarily reflect the opinions of either the funding agencies or their staffs.

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GORDON M. AMBACH
EXECUTIVE DIRECTOR
COUNCIL OF CHIEF STATE SCHOOL OFFICERS

# *FOREWORD*

It is with great pleasure that I take these few lines to comment on the Council of Chief State School Officers' "Foundations of American Citizenship" project. The project has addressed itself to one of the greatest needs of contemporaneous teacher education: the lack of humanities based, substantively enriched study of original documentation. The project's goal is to enhance the quality of the educational experience for those who would teach, and allow them to come to the realization of their worth as bright competent, concerned, thinking scholars in their own right, instead of reinforcing the all too prevalent and erroneous view that teachers should be little more than conduits for the dissemination of secondhand information. Perhaps, it is an oversimplification, but needs to be said anyway, that teachers who have been encouraged to reach their own scholarly potential, cannot help but encourage their students to do the same.

The course syllabi presented herein, have been designed by teachers for teachers. They are at once, bold, exciting, and practicable. The method of the new approach contained in this book is as old as the grove of academe itself. Students are asked to read, think about, and discuss under the guidance of a Socratic mentor, original documents from our common heritage. Instead of reading about great authors, they will come to know these individuals firsthand. And, in meeting de Tocqueville, Jefferson, Plato, and Commager, students will come to know themselves better as well.

The Council wishes to thank our faculty consultants for their many hours of thoughtful creative efforts in creating these syllabi. Their work shows just how strong their commitment to teacher education is. Thanks to Ms. Harriet Lewis, the project's administrative assistant, for her many hours of typing, proofing, and organizing this document. The Council further wishes to thank Drs. Duncan MacDonald and David Grimsted for their editing of the text, and selection of pertinent documentation.

The syllabi within this book are models. The Council of Chief State School Officers encourages those who wish to teach humanities based, document enriched courses, to build their own class around the particular needs of their own constituency. The models within are to serve as sign posts along the way. They show how others, actively working in the field, have solved the problems of launching such courses. I would hope that the reader would pick and choose from all that is within and create something distinctively their own.

## EXECUTIVE SUMMARY

**Duncan B. MacDonald, Ph.D., Director**
**Council of Chief State School Officers**
**Arts and Humanities Project**

Two years ago, when the Council of Chief State School Officers' staff undertook the task of devising a humanities based citizenship course for teacher education rich in the use of original documentation, it was, almost immediately, realized that the development of paradigmic syllabi was not enough. There had to be the contemporaneous creation of an Instructor's Handbook to facilitate the adoption of like-minded courses by others not involved with the original project. It was felt that the Instructor's Handbook should be patterned on the educational guides of an earlier age, the enchiridions of the first universities. In this way, the authors could present humanistic syllabi, featuring the extensive use of original documentation, in accordance with a proven format easy for potential instructors to use. You are holding the resultant Instructor's Handbook. "The labour of many long and sleepless nights."

As it has never been the CCSSO's intention to prescribe either the nature of humanities based instruction, or the materials to be used in such instruction, our handbook is designed to allow the teacher to pick and choose from the wealth of approaches and readings within to build his own course to meet the needs of his community and students. After the introduction, in which Dr. David Grimsted sets the tenor for the project, each of the model syllabi is presented in its own right, complete with suggested readings, and at least one original document illustrative of the literature used in the author's proposed course. The approaches vary enough to assure that there is something here for every academic taste.

The publication of this handbook is something of a milestone for the CCSSO staff working on the Citizenship Project. It means that we are one step closer to achieving our goals of improving teacher education curriculum via the inclusion of document-based, thought provoking courses in the institutions responsible for inservice continuing education, and preservice teacher training throughout the nation. It remains for us to fine-tune the pilot courses based on our paradigms to meet the needs of an ever increasing audience.

The Council of Chief State School Officers, founded in 1927, is a private, non-profit organization comprised of the fifty-six commissioners and superintendents in the fifty states, five extra-state jurisdictions, and the District of Columbia. It represents their interests in Washington, D.C., and carries out projects reflecting the concerns of its membership. The "Foundations of American Citizenship" project came into being because of the chiefs' desire to assure that humanities based, quality education be made available to every teacher in the nation. The project has been funded by the U.S. Department of Education's Fund for the Improvement of Postsecondary Education, and the John M. Olin Foundation. The CCSSO is deeply indebted to these agencies for their kindness and generosity, and wishes to make it emphatically clear that the opinions that appear in this handbook are those of the authors and reflect in no way upon those of the funding agencies.

# INTRODUCTION

**Professor David Grimsted**
**University of Maryland**

A central concept directs this project: that the core of responsible democratic citizenship, as well as that of effective teaching, requires that individuals learn to read closely the arguments in important texts; weigh evidence, judge probable results, and make intellectual decisions on difficult issues with some respect for the virtues and values related to the solutions they reject, as well as some awareness of the problems in the positions they accept. Citizenship training under all forms of government involves providing some knowledge of how the system works and inculcating some love and loyalty toward one's nation. In democratic states, however, the allegiance aimed at is more complicated and critical. Citizens of a democracy accept responsibility not simply to support their nation right or wrong, but to support it because they have both the ability, and the possibility of directing it toward their vision of what is right, of considering always, and of opposing often, specific policies or actions it takes. Democratic loyalty demands not only support, but the need to know how, and under what circumstances, one should say no. Twentieth-century developments make particularly important the support of reasonable confidence and competence in considering major issues in individual citizens, and those who teach them. The complexity of problems, the dimensions of uncertainty, the need to rely for some data of specially trained experts, all create a sense of helplessness among citizens; a sense of incapacity both to reach decisions and influence policy. Certainly the problems are big, the answers complicated, the effects never wholly measurable, the costs immense, the experts divided, and the political rhetoric intentionally convoluted. It's little wonder that people grumble, "So who has the answers? And how can I decide? Why should I try or care? Why should I take any responsibility for what *they* do?" The only way to counteract such intellectual disenfranchisement is to make clear that no one has fully adequate answers to difficult problems, but that everyone has substantial capacity and responsibility to weigh evidence and reach judgments. This course is intended to encourage such citizenship enablement. "Foundations of American Citizenship" supports the development of such intellectual confidence and skills through teaching centered in the use of primary sources,[1] including many basic texts in the American tradition, that highlight ongoing moral and social issues and that encourage students to focus or sharpen their views on them. Such training should enhance future teachers' sense of their responsibilities and capacities to handle questions, as well as suggest some effective means for developing similar capacities in the pupils they will eventually teach. Teaching democratic citizenship is but one strand of the many contemporary educational concerns that this course is intended to address, all of which are closely linked and which will be better served by more explicit integration into existing curricula and departments than by attempts at separate embodiment. Training in values, if it is to go beyond memorizing variations of the Boy Scout Oath, requires exploring the complex contours of moral choice, and making hard decisions between often conflicting goods. Character-training is simply the personal dimension of citizenship and values education: it requires instilling enough confidence and information in personal judgment that choices and actions will reveal a firmly thoughtful and responsible vision of individual and social welfare. Higher or critical thinking skills develop only if learners are encouraged to look hard at various arguments on basic issues, to ponder their presuppositions and probable results, and to judge among them carefully. The goal of producing a vital common culture can be achieved only if students grapple intellectually with major accepted texts, but with some sense of how much of interest and importance remains to be explored beyond an age's ordained favorite documents. Great writings need to be stressed, but in a context varied enough to make clear the obvious truth that, if it is good to study the Tenth Federalist in 1987, surely it was equally valuable reading in 1787 when it was a newspaper squib that no traditionalist would have canonized on a list of essential texts. It would be obvious folly to see this course, or any other curricular change, as panacea for the ills of the world. The question is a much more modest one. Would the proposed course make some contribution to the thinking process that would make teachers aware of their national culture, and of the major ongoing issues to which they, like earlier Americans, must give answers? If this could be accomplished, there seems little doubt that they in turn would share some of that learning experience and thoughtful involvement for decades to come with the young they will teach. A teacher confident of his own scholarly capabilities will encourage the develop-

ment of such intellectual capability in his charges. By freeing the teacher from the role of mere pedagogical conduit, this course automatically assures the sustained development of excellence in education.

This proposed course, like the sample syllabi included here, is intended as enabling rather than constricting, a generalized framework of ideas to encourage both instructors who teach it, and those who take it to develop their own vision and judgment in a way that enhances similar responses in everyone they teach. There are but two basic elements required of suitable courses. First, that the syllabus contain a predominance of primary source readings that focus thought on major moral-social issues related to citizenship; and secondly, that the course be taught in such a way that students are not given answers but are led to read texts closely and to develop thoughtfully their own responses to the problems raised in the documents. The stress on primary sources and informed personal judgment would enhance the teaching not only of citizenship and related contemporary concerns but serve well the chief goals of schooling. Education always involves creating vital connections in learners between the world they already know, and that which they know poorly, vaguely or not at all. This requires processing new skills and information, but in a context that links them to prior interests and concerns as well. To teach American history, or American philosophic-social problems, only through the screen of textbooks or scholarly interpretations is inevitably to enfeeble the connective tie between students' thought and the new material. It is precisely parallel to teaching literature while reading only the descriptions or analyses of critics rather than the poems and plays, the novels and essays discussed. Things can be learned in this way, of course, but usually much less will be learned, because the scholarly screen can never duplicate the educational "shock of recognition" that comes in finding fuller expression, in differing settings, of problems and realities that continually touch and expand the worlds in which all learners live.

In the proposed course, secondary sources and the teacher would work to help focus the eyes of the student, but not describe or prescribe what is to be seen. The notion is that true learning depends on students' coming to be able to see things better themselves. In order to promote clearly the goal—thoughtful and informed personal judgment—that lies at the heart of democratic citizenship, this course neglects some things often properly tied to citizen education. Factual data about government structure are not stressed; nor are the technical contours of citizens' rights, responsibilities, and channels of influence overwhelmingly present. In part because such important matters are covered elsewhere in most students' curricula, and in part because citizens who care about issues will come to learn how to make their views felt.

Many liberal arts college courses make some use of what's recommended here, and some could be adapted to the framework of the "Foundations of American Citizenship" with only minor changes that might be suggested by the general rationale or by a sample syllabus. Still, education majors take few if any courses with this distinctly humanistic orientation. Even when requirements are mandated in fields most likely to embody such an approach, education majors commonly take introductory courses, intended to instill information and secondary interpretations often of a kind that can be evaluated in a true-false or fill-in-the-blank format. University departments traditionally structure their curricula with majors in mind for whom the progression from basic factual accumulation to creative intellectual work in advanced courses makes sense. For students for whom such an introduction to a field ends exposure, however, the existing system promotes an empty and false sense of its contours and of its intellectual significance and vitality.

The proposed course is intended for teachers who plan careers on all levels. Every teacher deserves a sense that there is an intellectual life beyond basic skills and opinion memorization. The argument that what is necessary for the training of a secondary school teacher is unnecessary for the training of a primary school teacher is nothing short of fatuous. It ignores the need for learning at beginning levels to integrate a broadening sense of life to basic skills. Our course recognizes that all teachers are bright, competent, scholars in their own right. It should also be noted that all of the syllabi can be made applicable to institutions dealing with continuing, inservice, professional teacher training. Such courses, rich in material content, would prove as equally rewarding to practicing teachers as they would to those who are studying to become teachers.

One irony of John Dewey's contribution to twentieth-century education is that a theory that stressed the need to bond learning to life in fact frequently deified abstract "scientific" techniques in a way that divorced education from human reality. The world of Dick and Jane, of Spot and Puff, is a wasteland void of imagination and bereft of moral dimensions, expertly sterilized so nothing can contaminate word memorization through repetition. Compared to nineteenth-century readers that adapted popular or classical literary texts to all learning levels, modern "Progressive" texts debase learning for pupils and teachers alike. Several of the sample syllabi incorporate selections from the most successful of the nineteenth-

century texts, *McGuffey's Readers*, largely because the books so well embody the common culture and values of their age. Didactic as they are, McGuffey's texts are rife with vitality that made learning through them a process of increasing skills to accompany increasing grappling with human realities that matter, and that mature. One purpose of the proposed course is to assert the centrality of linking learning to life which Deweyian education both advocated and in some ways abrogated. The seven sample syllabi, herein, illustrate the variety of approaches that might be taken with the course; the multiplicity of topics that could be covered. As well as the diversity of disciplines applicable within the general humanities framework. B. Edward McClellan concentrates his syllabus on one of the most important of these areas, both for society and for teachers, exploring in what ways and to what degree different public educators have seen or directed schooling in the United States as a prop to good citizenship. Nancy Cott adds the efforts of women to those of blacks and immigrants in her exploration, through varied sources, of the changing social meaning of American citizenship and participation in the period 1865-1925. David Grimsted uses one of the central tensions in American citizenship, that between commitment to individualism and to the common good, to present some of the debates that illumine American values and practices in many areas. Rosemarie Tong's approach is more topical, often drawing together European and American sources in an analytical exploration of the peculiar qualities and tensions in American citizenship. She also relies much on the legal opinions that helped define the American argument over some issues. It is this changing legal definition of British, colonial and American citizenship around which Kermit Hall shapes his syllabus. Using largely legislative or judicial promulgations, Hall deals not only with majoritarian concepts of citizenship, but with the hard struggles of blacks, Indians, Asians, immigrants and other minorities to obtain rights of equal citizenship. Charles Schutz, of Albion College, addresses himself to the question of citizenship and constitutionalism. His argument is almost Aristotelian in its simplicity. Schutz sees the citizen as a creation of the nation's constitution. He traces the rise of constitutionalism through Western history from its ancient origins to the rise of the modern American state. Finally, like Rosemarie Tong, Laurence Berns' syllabus centers on questions tied to the philosophic meaning of good citizenship. Berns' structure, essentially chronological, gives great weight to the Biblical-classical-scientific roots of the Western tradition before moving on to specifically American documents and concerns.

The sample syllabi not only sketch out differing subjects, but also suggest the various levels on which the course might be taught, and the variety of faculty that might be involved. Hall's, most clearly geared to the advanced undergraduate level, outlines a course that might be taught by a political scientist, a constitutional historian, or a legal scholar. Berns' plan most nearly parallels an introductory Western culture format with a long concluding section on the United States. Philosophers, political scientists or European intellectual historians would be its logical teachers. Such people might also handle the topical aspects of citizenship Tong stresses, though in this case the problems are organized less chronologically and more around specific philosophic debates. Tong's syllabus, like those of Cott, Grimsted and McClellan, is geared to the upper division undergraduate level. Cott's syllabus is suited to the social historian, sociologist or political scientist concerned primarily with the struggles of minorities and women for greater equality in the decades around 1900. Grimsted's broader chronology and topical approach might fit the interests of American Studies specialists, intellectual-cultural historians, or scholars specializing in American literature. Philosophers or historians with a special interest in education might use McClellan's structure, although it is especially adopted to the skill and interests of faculty in Education Departments who concentrate on the history and problems of American public schooling. All of the model syllabi, seem especially adapted to team-teaching that would cut across department lines. Such variety in faculty perspective would parallel that in the sources and contribute to the goal of encouraging students to develop their own judgments.

The following syllabi and sample readings are offered with the hope that some will prove helpful or suggestive as particular faculty members work to structure courses that would fit the specific requirements and broad goals of the "Foundations of American Citizenship," while embodying their personal intellectual training, interests, and insights.

## FOOTNOTE

[1] Primary source is used here not to refer to any innate quality of documents, but to the way in which they are used. Many documents could be used as either primary or secondary sources, depending on the user's perspective. One might read Thucydides' *Pelopennesian War* as a secondary work for its facts about the changes in Athenian values as the empire collapsed or as a telling example of intendedly scientific history. Nathaniel Hawthorne's "Maypole of Marrymount" could be used as a secondary source to present Puritan facts and values, or as a primary source to consider either the eternal conflicts between self-expression and social constraint, or nineteenth-century American concerns about such issues. A document becomes a primary source if it is used less to extract data and argument about its ostensible topic or setting than to consider the temporal or universal aspects of the author's vision.

# EDUCATION AND THE CHANGING MEANING OF AMERICAN CITIZENSHIP

B. Edward McClellan
Indiana University

The making of a citizen is a complex process in which many institutions play a major role. In modern societies, the school is expected to perform particularly important functions in providing children with the attitudes, skills, and knowledge required of responsible citizens. Because the school touches the lives of so many people in their formative years, it has an inevitable effect on not just the political orientations of students but also on their general social and civic values. Formal education is, whether by accident or deliberate design, a political process, and teaching is an act that inevitably affects the way children will grow into their roles as citizens. Teachers who understand the value-laden character of their work are able to make informed choices about the kind of citizenship their classes produce. Those who fail to understand their role in shaping civic values and skills may unconsciously produce results that they would regret. Given, then, the inherently political character of teaching, it behooves teachers to comprehend the ways in which education affects civic values and to try to use their positions of power in the classroom to encourage responsible citizenship. The course of readings outlined here is designed to help prospective teachers understand the relationship of education and citizenship and to make them conscious of their own potential roles in the preparation of good citizens. The readings focus on the ways in which Americans, since the earliest days of the republic, have attempted to define good citizenship and how they have attempted to use the school to prepare people for their roles as citizens.

It was the exhilarating and frightening task of shaping a new nation at the end of the Revolution that made Americans assign schools an important role in the making of good citizens, and in the preservation of social cohesion and republican government. Although colonial Americans had understood the civic value of schooling, they had never made it a primary educational task. Instead, they had relied on other institutions, the family, the church, apprenticeship, and even the informal rhythms of community life itself. The challenges of the post-Revolutionary era, however, led the founding fathers to envision a far greater role for the school. A small circle of elite statesmen and men of letters articulated the new vision. They sought a public system of schools that would enroll the masses of children in two to three years of elementary schooling and a highly select group of students in county academies, state colleges, and, at the top, a national university.

When a public school system finally emerged in the United States in the 1830s, it was not a response to the anxieties and dreams of the founding fathers but rather a grass-roots response to the challenges of a rapidly democratizing society. The great champions of the public school, usually called the "common school" before the Civil War, were interested primarily in elementary education, with hopes firmly tied to the notion that schools should produce good citizenship. Educators and supporters of education in the years between 1830 and 1890 gave good citizenship a somewhat different meaning than the founding fathers had. Moreover, they envisioned a schooling that contributed to national cohesion in a different way. Their vision was rooted in the decentralized, democratic conditions of the day. Nineteenth-century assumptions about education and citizenship were perhaps best articulated by Horace Mann, the first secretary to the state board of education in Massachusetts, and the most influential educational reformer of his day.

The values that Americans expected their schools to impart in the nineteenth century were best reflected in the textbooks, which, in this era especially, were expected to occupy a central place in the educational process. Perhaps the most celebrated series of textbooks were the eclectic readers put together by William Holmes McGuffey. From 1836, when they were introduced, until the 1920s, when they became rare, more than 122 million copies of the McGuffey readers were sold. The McGuffey readers were a cherished and important part of nineteenth-century literature. The social and moral values of the McGuffey readers reflected the strong influence of Protestant Christianity on nineteenth-century schools. That influence and a sharp difference over approaches to moral education led the Catholic church to create its own parochial school system.

Only a few northern blacks enjoyed the full rights of citizenship before the Civil War. After the war, Americans began the task of defining citizenship for former slaves. Education played a decisive role in their discussions. Differences about the proper role of education were as profound among blacks as among whites. What kind of education would best prepare

blacks for their new roles as freed people? What would best prepare them for survival and for the struggle for full equality? These questions defined one of the great debates in American educational history—the debate between Booker T. Washington, who began life a slave and became president of Tuskegee Institute, and W.E.B. DuBois, a northern black who was the first of his race to obtain a Ph.D. from Harvard.

The emergence of a complex industrial society led Americans to redefine the meaning of citizenship and to transform the role of the school. Public schooling not only extended upward, as students stayed in school longer; it extended its functions far beyond the kind of elementary training it had offered in the nineteenth century. Now it sorted students, taught them more advanced studies, and prepared them more directly for vocations. Educators were not of a single mind about the nature of good citizenship, but there were enough areas of agreement to give the era from 1890 to 1945 a character that sets it off from both the nineteenth century and the post-World War II era years.

The task of citizenship education acquired a special urgency in the years between 1890 and 1930 when schools, especially urban schools, were inundated with the children of immigrants. In some city school systems in the early years of the twentieth century, more than half the children enrolled were the children of immigrants. This era, therefore, affords a particularly revealing insight into the way in which Americans defined the meaning of citizenship and the ways in which they attempted to use the schools to make American citizens from children whose heritage was often markedly different. The era also affords the chance to examine the effects of Americanization programs, as citizenship education of immigrants was called in these years. Immigrant children who went to public schools during these years have left many memoirs of their experiences, and these memoirs, either in the form of autobiographies or fictionalized accounts that draw on the authors' experiences, provide us with a rich portrait of both the excitement and pain of Americanization.

Teachers involved in the process of citizenship education must inevitably worry about the fine line between instruction and indoctrination. It is not easy to know when one is cultivating appropriate attitudes and when one is simply inculcating one's own political values. American schools have often been involved in indoctrination. The tendency to emphasize patriotism in time of war is but one obvious example. Sometimes, however, the question of indoctrination has received the careful attention of educational theorists. This was the case in the 1930s when educators undertook a long and careful debate about the legitimacy of indoctrination in the schools.

The Cold War era in the United States produced a sharp reaction against the educational priorities of the period 1890-1945. In part the reaction was promoted by a fear of the military and technological challenge of the Soviet Union. In part, however, it reflected a new and different conception of good citizenship. Perhaps the most significant political and social development of the post-World War II era in the United States has been the effort to extend full rights of citizenship to women, and ethnic and racial minorities. This has been a difficult task both because of opposition and because of uncertainties about how either to define full equality or to bring it about. The broad effort to ensure the full rights of citizenship to women, minorities, and other previously deprived groups has required the school to change many of its practices. It has also forced educators to give careful attention to the meaning of equal citizenship.

As Americans have become more aware of the unequal status of citizens, they have also become more sensitive to the cultural differences of the many groups that make up the society. The sense of cultural diversity and the necessity of dealing with it has been reinforced by a new wave of immigration from Latin American countries, a wave that may eventually be as large and significant as the immigration from Europe in the late nineteenth and early twentieth centuries.

Finally, in the past ten years thoughtful Americans have become increasingly concerned about the civic commitment of citizens and about the adequacy of citizenship education. One source of this concern has been the decline of civic participation, which is perhaps most obvious in the decline in the number of Americans who vote. A sense that the society is approaching a crisis in citizenship has led many to reexamine the ways in which the school has attempted to provide citizenship education. Almost certainly, the debate will continue into the next century.

## *READINGS*

**Week 1** I. *Introduction: Education in the Making of of Citizens*

The introductory section explores the political role of the teacher and contemporary debate about the ways in which the school does, or should teach citizenship.

### *Primary Readings*

Stephen K. Bailey, "Political and Social Purpose of Education," in *Education for Responsible Citizenship: The Report of the National Task Force on Citizenship Education* (New York: McGraw-Hill Book Co., 1977), pp. 27-46.

R. Frank Brown, "The Case for Citizenship Education," in ibid., pp 1-7.

Morris Janowitz, *The Reconstruction of Patriotism: Education for Civic Consciousness* (Chicago: University of Chicago Press, 1983), pp. 1-25.

David Purpel and Kevin Ryan, *Moral Education . . . It Comes with the Territory* (Berkeley, Calif.: McCutchan Publishing Corp., 1976), pp. 44-67.

Jerome Kagan, "The Moral Function of the School," *Daedelus* 110 (Summer, 1981), pp. 151-165.

***Secondary Readings***

Harmon Ziegler, *The Political Life of American Teachers*, Englewood Cliffs, N.J.: Prentice Hall, 1967.

***Questions:***

What agencies are most involved in citizenship education? Does the school have any special responsibilities? What are the formal and informal ways in which schools affect social and political values? How have schools affected your own development as a citizen? What skills, knowledge, and values have you gained from the schools that you might not otherwise have acquired?

**Week 2** *Education and Citizenship in a New Nation, 1776-1815*

***Primary Readings***

Benjamin Rush, *A Plan for the Establishment of Public Schools and the Diffusion of Knowledge in Pennsylvania* in Frederick Rudolph, ed. *Essays on Education in the Early Republic* (Cambridge: Belknap Press, 1965), pp. 1-23, 372.

Benjamin Rush, *Thoughts Upon Female Education*, ibid., pp. 24-40, 373.

Samuel Harrison Smith, *Remarks on Education*, ibid., pp. 167-223, 380-381.

Noah Webster, *On the Education of Youth in America*, ibid., pp. 41-77, 374-375.

Thomas Jefferson, Excerpts from *Notes on the State of Virginia* (1781-82), edited by Paul Leicester Ford (Brooklyn, NY: Historical Printing Club, 1894), pp. 185-188.

David Tyack, "Forming the National Character: Paradox in the Educational Thought of the Revolutionary Generation," *Harvard Educational Review* 36 (1966): pp. 22-41.

***Secondary Readings***

Lawrence Cremin, *American Education: The National Experience, 1783-1876* (New York: Harper and Row, 1980), chapter 4.

B. Edward McClellan, "Public Education and Social Harmony: The Roots of an American Dream," *Educational Theory* 35 (Winter, 1985): pp. 33-42.

***Questions:***

Why did these founding fathers feel it necessary to propose the creation of a public school system rather than relying on traditional institutions of citizenship education? What kinds of political attitudes, values, and skills did they hope to teach? Why did they place such emphasis on institutions of higher education? Why were their visions not widely shared? Why did their schemes ultimately fail?

**Week 3** *Educating Our Masters: Citizenship in a Liberal, Democratic Society*

***Primary Readings***

Horace Mann, *Twelfth Annual Report of the Board of Education [of Massachusetts] together with the Twelfth Annual Report of the Secretary of the Board* (Boston: Dutton and Wentworth, 1849), pp. 15-144.

Robert L. Church and Michael W. Sedlak, *Education in the United States: An Interpretative History* (New York: The Free Press, 1976), pp. 61-81.

***Secondary Readings***

Carl F. Kaestle, *Pillars of the Republic: Common Schools and American Society, 1780-1860* (New York: Hill and Wang, 1983).

Merle Curti, *The Social Ideas of American Educators* (revised edition, Paterson, New Jersey: Littlefield, Adams & Company, 1965), chapter 3.

***Questions:***

In what ways are Mann's anxieties and dreams similar to and different from those of the founding fathers? What is his view of the good citizen? How does he think the school can contribute to social cohesion? Why do you suppose that in a time when good citizenship was a primary goal of schooling that Americans tended to prefer nonvoters (that is, women) for teachers? What does that preference tell you about the particular conception of citizenship, and of male-female roles, that existed in the nineteenth century?

**Week 4** *The Moral Basis of Good Citizenship: The Nineteenth Century*

***Primary Readings***

*McGuffey's Third Eclectic Reader* (Revised Edition, New York: Van Norstrand Reinhold Co., Inc., 1879), pp. 13-163. [This volume is in print in a facsimile edition].

"Acts and Decrees of the Third Plenary Council of Baltimore" (1884), in Neil G. McCluskey, S.J., ed.

*Catholic Education in America: A Documentary History*, pp. 86-94.

***Secondary Readings***

Ruth Miller Elson, *Guardians of Tradition: American Schoolbooks of the Nineteenth Century* (Lincoln: University of Nebraska Press, 1964), pp. 1-11.

B. Edward McClellan, "Moral Education and Public Schooling," in Elizabeth Steiner, Robert Arnove, and B. Edward McClellan, eds., *Education and American Culture* (New York: Macmillan, 1980), pp. 212-223.

***Questions:***

What picture of the good citizen emerges from the stories, poems, and maxims of the McGuffey readers? How do you explain the relative lack of specifically political instruction in these readers and in most nineteenth-century schools (there was little instruction about government or politics)? Does the Catholic statement on education reflect an appreciably different approach to values or citizenship?

**Week 5** *From Slave to Citizen*

***Primary Readings***

Booker T. Washington, *Up From Slavery* (New York: Penguin Books, 1986), pp. 42-62, 106-132, 196-237.

W.E.B. DuBois, *The Souls of Black Folk* (Greenwich, Conn.: Fawcett Publications, 1961), pp. 15-22, 42-54, 65-87.

Louis R. Harlan, "Introduction," to Booker T. Washington, *Up From Slavery*, (New York: Penguin Books, 1986), pp. vii-xliii.

***Secondary Readings***

James D. Anderson and Vincent P. Franklin, eds. *New Perspectives on Black Educational History* (Boston: G.K. Hall, 1978).

Louis R. Harlan, *Booker T. Washington: The Making of a Black Leader, 1865-1901* (London: Oxford University Press, 1972).

***Questions:***

How do these two men define the proper role of black citizens? How do they expect education to contribute to the goal of full citizenship? In what ways might the backgrounds of the two men have contributed to their differences on these issues? Do their views offer useful advice to other oppressed peoples who might want to use education to foster liberation?

**Week 6** *Citizenship As Social Adjustment, 1890-1945*

***Primary Readings***

Charles W. Eliot, "The Functions of Education in Democratic Society," *The Outlook* 55 (Nov. 6, 1897), pp. 570-575.

Franklin Bobbitt, "The Elimination of Waste in Education," *The Elementary School Teacher* 12 (1912), pp. 259-271.

Commission on the Reorganization of Secondary Education, "Cardinal Principles of Secondary Education," in U.S. Bureau of Education, *Bulletin*, 1918, No. 35. pp. 5-32.

John Dewey, *Moral Principles in Education* (Boston: Houghton Mifflin, 1909), pp. 7-27.

National Education Association, Department of Superintendence, *Tenth Yearbook: Character Education* (Washington: National Education Association, 1932), pp. 31-59.

Joel Spring, *Education and the Rise of the Corporate State*, (Boston: Beacon Press, 1972), pp. 44-90.

***Secondary Readings***

David B. Tyack, *The One Best System: A History of American Urban Education* (Cambridge: Harvard University Press, 1974).

Herbert M. Kliebard, *The Struggle for the American Curriculum, 1893-1958* (Boston: Routledge & Kegan Paul, 1986).

***Questions:***

In what ways would the educators of this era find the citizenship education of the nineteenth-century school inadequate? What were the attributes of a good citizen in this era? Why would the textbook seem a less effective instrument for the promotion of citizenship? Why do extracurricular activities play such an important role in citizenship education in this period?

**Week 7** *Making New Citizens of Old World Peoples, 1890-1930*

***Primary Readings***

Frank B. Lenz, "The Education of Immigrants," *Educational Review* (1916), pp. 129-133.

Mary Antin, *The Promised Land* (Boston: Houghton Mifflin Co., 1912), pp. 206-240.

Anzia Yezierska, "Children of Loneliness," (1923) in *The Open Cage: An Anzia Yezierska Collection*, ed. Alice Kessler-Harris (New York: Persea Book, 1979), pp. 145-163.

Excerpts from Peter Roberts, *Anthracite Coal Communities* (New York, 1904) in Daniel Calhoun, ed. *The Educating of Americans: A Documentary History* (Boston: Houghton Mifflin Co., 1969), pp. 410-415.

Oscar Handlin, "Education and the European Immigrant, 1820," in Bernard J. Weiss, ed., *American Education and the European Immigrant: 1840-1940* (Urbana: University of Illinois Press, 1982), pp. 3-16.

Selma Berrol, "Public Schools and Immigrants: The New York City Experience," in ibid., pp. 31-43.

***Secondary Readings***

Bernard J. Weiss, ed., *American Education and the European Immigrant: 1840-1940* (Urbana: University of Illinois Press, 1982).

Robert A. Carlson, *The Quest for Conformity: Americanization through Education* (New York: John Wiley and Sons, Inc., 1975).

***Questions:***

How did educators envision the process of Americanization? How did immigrants respond to the process? In what ways was the process painful? In what ways could the process have been different? In what ways does the process of Americanization resemble the citizenship education of other American children in this era?

**Week 8** *Citizenship Education and the Problem of Indoctrination: The 1930s*

***Primary Readings***

George S. Counts, *Dare the School Build a New Social Order?* (New York: The John Day Co., 1932). Read entire book.

Lawrence Dennis, "Education—The Tool of the Dominant Elite," *The Social Frontier* 1 (January, 1935), pp. 11-15.

Boyd H. Bode, "Education and Social Reconstruction," *The Social Frontier* 1 (January, 1935), pp. 18-22.

David Tyack, Robert Lowe, and Elisabeth Hansot, *Public Schools in Hard Times: The Great Depression and Recent Years* (Cambridge: Harvard University Press, 1984), pp. 42-79.

***Secondary Readings***

C.A. Bowers, *The Progressive Educator and Depression: The Radical Years* (New York: Random House, 1969).

David Tyack, Robert Lowe, and Elisabeth Hansot, *Public Schools in Hard Times: The Great Depression and Recent Years* (Cambridge: Harvard University Press, 1984).

***Questions:***

Can a distinction be drawn between schools' supporting accepted values and their "indoctrinating" students? What social condition led some educators to embrace the notion that the schools should indoctrinate? Are there situations in which the ends of citizenship education justify indoctrination? Can you think of other situations in which indoctrination has been a part of citizenship education?

**Week 9** *The Citizenship of Disciplined Intelligence: 1945-1965*

***Primary Readings***

Arthur E. Bestor, *Educational Wastelands: The Retreat from Learning In Our Public Schools.* (Urbana: the University of Illinois Press, 1953), pp. 1-80.

"Hyman Rickover Meets the Press" (1960) in W. Richard Stephens and William Van Til, eds., *Education in American Life: Selected Readings* (Boston: Houghton Mifflin Co., 1972), pp. 179-185.

Diane Ravitch, *The Troubled Crusade* (New York: Basic Books, 1983), pp. 43-80.

***Secondary Readings***

Joel Spring, *The Sorting Machine: National Educational Policy since 1945* (New York: Basic Books, 1983).

***Questions:***

How do Bestor and Rickover differ from early twentieth-century theorists about the proper preparation for effective citizenship? What changes do they propose in the schools? Some people have charged that their views might have more relevance to talented students than to average students. What do you think? Is their ideal appropriate for all students?

**Week 10** *The Citizenship of Equals, 1954-Present*

***Primary Readings***

The Decision in *Brown v. Board of Education of Topeka, Kansas,* Supreme Court of the United States, 347 U.S. 483 (1954), reprinted in Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (New York: Random House, 1975), pp. 770-787.

Lerone Bennett, Jr., Robert S. Browne, Roy Wilkins, Jesse Jackson, and Alvin Poussaint, "Exchange on Integration," *Ebony Magazine* 25 (Aug. 1970), pp. 35-69.

Kenneth B. Clark, "Old Business: From *Brown* to Now," *Phi Delta Kappan* 60 (November, 1978), pp. 194S-195S.

Carl Bereiter, "The Changing Face of Educational Disadvantage," *Phi Delta Kappan* 66 (April, 1985), pp. 538-541.

"Women in Education," Special Section, *Phi Delta Kappan* 67 (March, 1986), pp. 499-526.

Nathan Glazer, *Affirmative Discrimination: Ethnic Inequality and Public Policy* (New York: Basic Books, 1978), pp. 77-129.

Diane Ravitch, *The Troubled Crusade* (New York: Basic Books, 1983), pp. 145-181.

***Secondary Readings***

Joel Spring, *The Sorting Machine: National Educational Policy since 1945* (New York: Basic Books, 1983).

***Questions:***

How has the quest for equality changed the nature of citizenship education since the Second World War? What have schools done to promote equal citizenship or to teach students to respect the equal rights of others? What new definitions of equality of citizenship have emerged?

**Week 11** *Citizenship in a Multicultural Society, 1965-Present*

***Primary Readings***

Raymond A. Mohl, "Cultural Assimilation versus Cultural Pluralism," *Educational Forum* 45 (March, 1981), pp. 322-333.

James A. Banks, "Cultural Pluralism and the Schools," *Educational Leadership* 32 (December, 1974), pp. 163-166.

Christine Bennett, "A Case for Pluralism in the Schools," *Phi Delta Kappan* 62 (April, 1981) pp. 589-591.

M. Donald Thomas, "The Limits of Pluralism," *Phi Delta Kappan* 62 (April, 1981), pp. 589, 590-591.

Richard Rodriquez, *Hunger of Memory: The Education of Richard Rodriquez, An Autobiography* (Toronto: Bantam, 1982), pp. 3-83.

John Higham, "Integration Versus Pluralism: Another American Dilemma," *Center Magazine* 7 (July-August, 1974), pp. 67-73.

Ravitch, *Troubled Crusade.*

Robert Hampel, *The Last Little Citadel: American High Schools since 1940* (Boston: Houghton Mifflin, 1986).

***Questions:***

What are the differences in the attitudes of Americans in the early twentieth century and the past two decades toward pluralism in their society? How are those differences reflected in conceptions of citizenship and in citizenship education? How does the Richard Rodriquez autobiography define both the strengths and dangers of bicultural-bilingual education?

**Week 12** *The Current Crisis in Citizenship Education*

***Primary Readings***

Richard M. Battistoni, *Public Schooling and the Education of Democratic Citizens* (Jackson: University Press of Mississippi, 1985), pp. 3-17, 89-154.

Howard D. Mehlinger, "The Crisis of Civic Education," in *Education for Responsible Citizenship: The Report of the National Task Force on Citizenship Education* (New York: McGraw-Hill Book Co., 1977), pp. 69-82.

Arthur G. Powell, Eleanor Farrar, David K. Cohen, *The Shopping Mall High School* (Boston: Houghton Mifflin Co., 1985), pp. 1-65.

***Secondary Readings***

Morris Janowitz, *The Reconstruction of Patriotism: Education for Civic Consciousness* (Chicago: University of Chicago Press, 1983).

Robert Pranger, *The Eclipse of Citizenship* (New York: Holt, Rinehart, and Winston, 1968).

***Questions:***

Do you think there is a crisis in citizenship in the America of the 1980s? What are the dimensions and characteristics of the crisis if it exists? What are the responsibilities of schools and teachers? Should there be curricular changes? Should there be changes in codes of behavior?

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***American Education and the European Immigrant, 1840-1940*, ed. Bernard J. Weiss.**

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## PUBLIC SCHOOLS AND IMMIGRANTS: THE NEW YORK CITY EXPERIENCE

**Selma Berrol**

AS LONG AGO AS 1685, a New York City resident was quoted as saying, "Our chiefest unhappiness here is too great a mixture of nations."[1] The cosmopolitan quality which so displeased this early New Yorker has remained a fact of life for the Empire City and has had a powerful influence on its educational history. From the early nineteenth century until today, the public schools of New York have always assumed (or had assigned to them) the responsibility for educating the children of the newcomers, most of whom have been very poor. They have always had great difficulty in completing this assignment.

Although the language, culture, religion, and race of the strangers who came to New York City varied widely, the purposes of their schooling remained largely the same. Whether the children were Irish, German, Italian, or Jewish, their instructors tried to teach them English, uplift their morals, improve their manners, erase their first language, and make them into "little citizens" as quickly as possible. There have

been some good reasons for this. Because New York has been a "promised city" to so many different people, most of whom arrived here with little knowledge of our institutions and with limited (and often bad) experience with the political system of their homeland, there has always been danger of disorder, fragmentation, and ethnic conflict.

To avoid separatism, as well as the social unrest that might result from their poverty, even in the earliest years of the republic the schools were expected to bring the newcomers into the mainstream of life as it was lived in New York. Acculturation required that they be taught "habits of cleanliness, subordination and order." They also needed to know the language in which economic affairs were conducted and they required an understanding of the political framework of the nation to which they had come.[2]

This kind of knowledge, it was believed, would inculcate loyalty, patriotism, and an understanding of the democratic process and would prevent both ethnic conflict and the manipulation of the immigrants by unscrupulous politicans and demagogues. Upward mobility, per se, was not a major consideration. It is important to note that until quite recently the people concerned with the education of the immigrants were not especially interested in changing their social and economic position, although such a change might be a by-product of their efforts to achieve a stable and productive citizenry.

Running counter to the purposes of the schools were the economic realities of life in New York City. Until the 1920s, most children from poor families could not afford to stay in school for very long; and prior to the period following World War II, there was no essential economic reason for them to do so. Until the 1950s, New York provided many opportunities which did not require educational credentials. As a result, for most of the city's history, children of the immigrant or even of the first generation received a very limited amount of formal education. Some were not exposed to schooling at all and only a few, relatively speaking, fully utilized New York's free educational system. As this paper will show, the reach of the public schools has usually exceeded their grasp on the pupils!

The first important attempt to institutionalize education in New York City occurred in 1805 with the establishment of the Free School Society, later to be known as the Public School Society. This group of public-spirited, upper-class Protestant gentry was, in spite of its name, a private body representing no one but its members. The state legislature empowered them to operate schools for the children of the poor, many of whom were also foreign, and to use the city's share of the tax-generated money in the New York State school fund for this purpose. Their mission was explicit: to Americanize, educate, and improve the morals of the lower classes.[3]

As often happens when the legislature deals with the schools the assignment did not include large appropriations. As a result, the Public School Society utilized an economical monitorial system to educate its students. Children were taught in classes of 500, in which one teacher supervised fifty monitors, who in turn drilled ten children apiece in the three R's, American history, morals, and manners. Possibly because of this rather impersonal system, most of the city's children did not attend the society's schools and among those who did enroll, truancy and early dropping out were widespread. Upper- and middle-class children were educated by other means but most of the lower-class youngsters who were the society's real targets received no schooling at all.

Their most vociferous critics, however, blamed the Protestant bias of the schools, not the monitorial system, for this. The use of the King James version in daily Bible readings and the inclusion of anti-Catholic material in textbooks certainly provided some good reasons to explain why the growing Irish Catholic population of New York would not send its children to the society's schools. Although extremely anxious to teach these children, the society blamed "ignorant" Irish parents for the lack of attendance and would not change its Protestant image in any important way.

Nor would the society make much effort to attract the children of another large group of newcomers, the Germans. It is true that in a temporary, reluctant concession to ethnicity in 1837, two German schools, staffed by teachers who understood German, were established. Instruction in these schools, however, was only in English and students could only attend for one year. When the trustees found that the attendance rule was being violated, they hastily closed the German schools, saying that "when foreigners are in the habit of congregating together they consequently are not as good members of society as they would otherwise be."[4]

Although the bias of the society's trustees and the deficiencies of its schools cannot be denied, we must look for other, more compelling reasons for the poor enrollment and low attendance in their schools. Those reasons were economic necessity and economic opportunity. It was the need to work and the ability to find employment that kept many of the children of the laboring classes from attending school. In the absence of child labor laws or any other kind of social legislation, and in the face of great economic need, most of these children were working and no matter how much the Public School Society changed its schools, they would not have come into the classroom.

There were plenty of jobs available for the unskilled and uneducated young in nineteenth-century New York because the city's economy was an expanding one. The Erie Canal, the completion of railroad routes to the hinterland, the reduction of the British tariff, the expansion of the clipper ship trade when gold was discovered in California, as well as the continuation of an earlier lucrative coastal trade, made New York the "New World Liverpool" by 1855. The city was also, increasingly, the financial headquarters of the United States and its major processing center. The burgeoning economy provided jobs for carters, porters, draymen, messengers, and apprentices in many trades and, given their poverty, most immigrant children began their working lives quite early.[5]

Neither ignorant parents, terrible pedagogy, nor Protestant bias, therefore, was really at the root of the Public School Society's failure to educate the children of the poor. To many New Yorkers of the period, however, it seemed as though the society was at fault and this attitude was reinforced by Governor William H. Seward. He urged, in his 1840 message to the legislature, that the society's monopoly be ended and that sectarian and foreign language schools be given public funds to reach the poor and foreign children now untouched by schools of any kind. The governor's suggestion did not survive the first of what Diane Ravitch has called the "Great School Wars" but a compromise of sorts emerged.

After the smoke of battle had cleared, the society had a competitor: a system of ward schools loosely controlled by a central Board of Education but actually governed by elected trustees in each of the city's twenty-four wards. This was true decentralization; each ward chose its own Bible, texts, teachers, principals, janitors, and curriculum. Since New York was already a city of ethnic neighborhoods, in Irish wards the Douay Bible was used while in others it was still the King James version. In spite of this, because the ward schools could not teach religion, the Catholic community began to build parochial schools which eventually absorbed a good portion of their children.[6]

According to contemporary testimony, even with decentralization and the abandonment of the monitorial system, the children of the immigrant poor still did not come to school very much nor remain very long. The absence of records for most of the period makes it difficult to substantiate these statements but a study I have made of a rare set of register books belonging to a boys' school which was located at 27th Street and 3rd Avenue indicates that, at this school at least, boys of native-born fathers were represented in proportion to their numbers in the population of the ward but those with foreign-born fathers were not.

From this limited sample, therefore, it appears that contemporary criticism of the ward schools may have been somewhat extreme; they were probably more successful than the Public School Society in reaching lower-class children. But if this school was at all typical of others, it would appear that the ward schools, like those of the society, were not reaching their target of the newly arrived either.[7]

Again, there were various reasons for this. There were still no compulsory education laws and the ward school system was thoroughly politicized, often corrupt, and very inefficient. Although ward schools did not use the monitorial system, pedagogy was a matter of rote and repetition. But just as had been the case when the Public School Society was in control, the underlying cause of poor school enrollment and attendance was economic need and economic opportunity. New York continued its expansion into the mid-nineteenth century, adding an industrial sector to the commercial and financial. After the Civil War, opportunities for unskilled youths increased every year. At the same time, the weakness of unions and the Darwinian attitudes of the Gilded Age made it difficult for working-class families to survive without the wages of their children. This combination of need and opportunity once again guaranteed poor school attendance.

For most of the sixties and seventies, the fact that thousands of children were not in school was not a major issue in the city. During the eighties, however, concurrent with the start of mass immigration of Southern Italians and East European Jews, criticism of the schools grew louder and louder. The critics, led by Nicholas Murray Butler, president of Teachers College at Columbia University, were mostly members of good government groups, lineal descendants of the Public School Society. They were upper-class, largely Protestant reformers whose own children attended private schools. Their most important vehicle was the Public Education Association, which was formed in 1895 to study the schools and lobby for change.

What motivated these economically and socially secure men and women? Partly selfish, partly altruistic, they viewed with concern the heavy immigration pouring into the city at the turn of the century and, like earlier reformers, they saw the public school as the answer to the problems posed by the immigrant influx. They agitated for school change because they feared that the inadequate public schools could not accomplish the task of making the "little aliens" into "little citizens" and that the entire city would suffer as a result.

The reformers may have been extreme about their long-range predictions but they were correct about the condition of the schools as they were at the end of

the nineteenth century. Although, due to immigration, the population of the Lower East Side of Manhattan trebled between 1884 and 1892, the number of schools remained the same. As a result, most of the children who lived there, i.e., the immigrant poor, attended school for only half a day, if they could get in at all. Once in, they were often part of a class of 100, taught by an exhausted, poorly trained young teacher who, because the schools had both a morning and an afternoon session, might see as many as 200 children a day. The physical setting was dreadful—dark, noisy, dirty, and poorly ventilated.[8]

The school crisis on the Lower East Side and in adjoining Little Italy precipitated the second or "great" school war in 1896. This struggle resulted in the reorganization of the existing system and the establishment of a centralized, professionalized, and bureaucratic structure that lasted to 1969. Did the new system succeed in educating the children of the immigrant poor? As with most historical questions, the answer is multifaceted. One thing is certain, a considerable effort, more than at any other time, was made. Although hobbled by financial constraints, William H. Maxwell, the energetic and able superintendent of schools, was able to bring about a great many changes in the system. By 1910, for example, a crash building program had alleviated the classroom crowding on the Lower East Side and "steamer" classes had been established to give non-English-speaking children six months in which to learn their new language. This was a vast improvement over an earlier arrangement which had placed all such children, regardless of age, in a first-grade class. In addition, new subjects, such as domestic science and physical education, were introduced.

Both of these innovations were designed to meet the needs of the immigrant poor. Teaching foreign-born girls American housekeeping methods, it was said, would improve nutrition and money management in immigrant households. Physical education was to provide a healthful outlet for boys and girls who lived in cramped tenement apartments and had no place but the streets to play. In such classes, the children would learn about sports such as baseball and this, too, would help to make them Americans! The schools also assumed a social service function, something they had never done before, giving the children medical inspection and nursing, as well as vacation programs.

As part of their interest in the whole child, a private group, the School Lunch Committee, began to offer penny lunches carefully tailored to the ethnic preferences of the neighborhood. These inexpensive meals were a response to the fact that many children could not go home at noon because their mothers were working. They spent the few pennies they had on pickles and junk food from the pushcarts that surrounded the school. Even worse, they gambled!

School lunches were nutritious, attractive, and popular, but some other efforts made for the benefit of the children were not. Popular wisdom said that enlarged adenoids not only made a child look stupid, they actually prevented learning. One group of teachers attempted to remove any such roadblock by arranging for a mass adenoidectomy at Public School 2 on Henry Street. When the mothers of the fifty indended victims heard of this, they descended on the school screaming "pogrom! pogrom!" and the plans for surgery were hastily dropped.

The school changes of the period were accompanied by some heavy-handed Americanization efforts. Seventy years ago ethnic identity was not much valued by the educational authorities and it was assumed that the immigrant's cultural heritage was to be eradicated along with his foreign intonation. District Superintendent Julia Richman, herself a Jew but from the earlier German Jewish immigration, forbade the use of Yiddish anywhere in the schools of the heavily Jewish Lower East Side. She assigned teachers to patrol lunchrooms, restrooms, and schoolyards and told them to give demerits when the hated "jargon" was heard.

Her remedy for the gulf that could result when the children of immigrants accepted the American ways she offered but their parents did not was more Americanization, this time directed at the mothers and fathers. After a time, she said, it would be clear that "the foreign parent must cross the bridge to join his child on the American side."[9] In the same vein, other teachers did not hesitate to point out the lack of manners and cleanliness among many of their charges, attributing these failings to their "ignorant immigrant parents."[10]

Never a shy man, Superintendent Maxwell, after twenty-five years in office, did not hesitate to state that he had created a "new educational New York," one that included the city's first serious compulsory education laws. Until 1903, children were permitted to leave school at age twelve or the completion of fifth grade. After that date the requirement was age fourteen and the sixth grade, and in 1913 it was raised to age sixteen and the eighth grade. Unfortunately, enforcement was erratic and there were many abuses. Because few foreign-born children could present a birth certificate, their parents could say they were older than they really were and if they looked the part, they were granted working papers. Truant officers were few and not terribly efficient. All immigrant families tended to use their girl children for baby-sitting and housekeeping chores and in an atmosphere that

undervalued education for women, school officials did not object to absence by girls as much as they did by boys.[11]

What was the result of all the school changes of the early twentieth century? More children went to school and stayed longer. If they took advantage of the medical and penny lunch programs, they were presumably in better health and better fed. Vacation schools and other extension programs were a great boon to the children of the congested districts. For the overwhelming majority of students, however, formal schooling still had limited impact. Jewish children were less likely to be truant, less likely to be left back, more likely to earn high grades and remain in school with at best an eighth-grade education. Their Italian contemporaries were more prone to truancy, more likely to be over age for their grade (the result of nonpromotion), and more likely to drop out at the earliest possible, not always legal, moment.[12]

Although Jews used the public schools more than any other immigrant group, Jewish school success has been greatly exaggerated. In the absence of government aid, social security payments, unemployment insurance, and all the financial assistance available to poor people today, most immigrant families, for at least two generations, needed whatever money their children could earn. In an economy where a mother, grandmother, and two young children had to work an hour to make a gross of artificial flowers and earn a desperately needed ten cents, how many families could afford the luxury of extended schooling for their children?[13]

As was true earlier, there was a place in the economy for these youngsters. At the start of the twentieth century there were jobs in the construction trades and on the docks, in the garment shops and in their homes. As Thomas Kessner has so ably documented in his book *The Golden Door*, economic opportunity in New York was a reality for both Jews and Italians from 1880 to 1915 and, given the need for child income and the openings for child labor, most Jewish children of the immigrant and first American generation became workers, not students, at an early age.[14]

It is true that in some families, Jewish and Italian, girls would turn over all their earnings to the head of the household and sometimes this provided the means to send a particularly able brother to high school and college. But not until the growth of the garment unions brought some rationality into the clothing industry, and the family, no longer so "green," had achieved some economic security, did Jews begin to use free secondary and college education on a large scale. Even then, until the Great Depression eliminated many full-time jobs, it was evening high school and the evening session at City College that attracted many of the Jewish students. As a troubled mother whose son aspired to college wrote to the editor of the *Jewish Daily Forward*, "even when the schooling is free, who will support the family?"[15]

The existence of widespread poverty among Jewish immigrants has been well documented but, in spite of this, few observers have realized that the critical need for additional income limited Jewish use of the schools. What has misled them has been the rapid economic improvement experienced by the Jewish community as a whole and their over-representation in those professions that carry high income and status. What the Jewish experience in New York really illustrates, however, is that there was more than one way to achieve upward mobility. For most members of the immigrant or first American-born generations, the route up was through the skilled trades and petty commerce. Utilizing skills and experience gained in the old country and the opportunities available in the new, these men achieved upward mobility without formal education. Their children and grandchildren, because they were able to extend the number of years they spent in school, were more likely to achieve further mobility by educational means.[16]

Although their needs and existing opportunities caused both Jews and Italians to make limited use of the schools, it is likely that given a different economic situation more Jews, although still not all, would have used education more extensively and that Italians still would not have done so. There are a number of reasons for this, most of them stemming from differing old-world backgrounds. Perhaps the most important factor, however, was receptivity. Most Jewish parents accepted the Americanization efforts of the schools. They wanted their children to become "Yankees" and were ready to accept the alienation this might bring.[17]

By and large, Italian parents had a different point of view. For cultural as well as economic reasons, they were reluctant to send their children to school for any length of time. In a magazine article on truancy, an Italian mother was quoted as saying that the schools wanted to take her children away from her. According to the records of the Bureau of Attendance, truancy was higher in Little Italy and East Harlem, the main centers of Italian settlement, than elsewhere in the city. At one point, hoping to reach the parents of the truants. Maxwell hired some Italian-speaking attendance officers and, at another time, he asked the Italian press to publish the names of those parents who had received heavy fines for violating the compulsory education laws.[18]

The press cooperated enthusiastically, but neither of Maxwell's actions did very much good. Interestingly, even the more flexible training schools operated

by the Children's Aid Society did not attract many children beyond the kindergarten stage. Although the teachers were often from the community and some attention was paid to Italian folkways and holidays, they were basically Protestant mission schools. The normally Roman Catholic Italians, although often unhappy with Irish domination of the Church, resisted proselytization from other sources. But Italian youngsters did not appear in large numbers in the Catholic schools either. It would seem that at that point in time, the Italian-American community valued other things more than formal education.[19]

The outbreak of World War I, the passage of the National Origins Act, the depression, and World War II brought to an end the mass immigration of the previous century. Although there were still some little "greenhorns" in the public schools during the thirties, most of the students were more likely to be the grandchildren of immigrants or the children of foreign-born parents who had themselves been subject to some schooling in New York. There were also fewer children and for the first time since 1840, there were enough seats to go around. The onset of the depression also provided a pool of extremely well qualified teachers. For all these reasons, the twenties and thirties were a golden age in the New York City schools and made it easier for everyone to forget the fact that this was an exceptional period in a previously turbulent history. It also made it seem as though such school practices as enrichment, homogeneous grouping, and reliance on standardized tests were the keys to successful education when, in reality, it was the nature of the student body and the quality of the teachers that made these methods appear to work.[20]

Children who did well in school were promoted, skipped, and placed in rapid advance classes to emerge at sixteen as freshmen at one of the city colleges, from which many went on to professional schools. Children who did not do well were left back or placed in slow classes, and they played hookey and left the system at sixteen. Jews made up a good proportion of the first group, but were also well represented in the second, which went virtually unnoticed. In the twenties there were still many occupational choices that did not require much schooling. In the depression-ridden thirties, high school graduates were as likely to be unemployed as their less-educated peers, and in the forties they went into the army.

As a result, in the late fifties when the public schools began to have great difficulty with the children of the Black and Hispanic migrants, who were the latest groups to come to the "promised city," most people had forgotten that poor children from rural backgrounds had always created problems and that the public schools had not been successful with most of the poor and foreign children who had come earlier. As we have seen, such children often had not gone to school, whether public or parochial, or had left the schools at the earliest possible age with little formal education. Despite this, by the middle of the twentieth century, the Irish, Germans, Jews, and Italians who had come as strangers to the city during the preceding century were substantially acculturated and, in most instances, had improved their social and economic position.

Because New York's educational history was not well known, the public schools were given too much credit for this happy state of affairs. In reality, it was the expanding economy rather than formal schooling that was the generator of acculturation in New York. The immigrants learned about the city as they labored in it. Because there were usually jobs for even the "greenest" of the newcomers, they could become part of the city's economic life within a few days of their arrival. On the job, from fellow workers, bosses, and union leaders, they soon learned how the American system worked. Their wages were terrible and their hours worse, but the possibility of building a little reserve did exist, and it was in this fashion that the newcomers moved, however slowly and painfully, up the socioeconomic ladder.

In other ways, also totally unconnected with the schools, the immigrants learned about their new homeland. Their district leaders taught them American politics and their newspapers made them aware of all kinds of social developments, including how to play baseball! Mothers and children both learned from the streets, the former while marketing and the latter from play. The entire family profited from the influence of the settlement houses. The schools, of course, exercised influence, but when compared to all these other factors their apparent importance is diminished.

Was this limited role also the case for the evening schools, usually considered quite important in the process of immigrant acculturation? New York established its first public night schools in 1825 and the number grew throughout the nineteenth century. By 1898, there were sixty-one evening elementary schools and four high schools operating in the city. Further expansion occurred in the next two decades.

If we accept the official statistics and course descriptions at face value, the evening schools were both well attended and worthwhile. A closer examination, however, reveals that while enrollment was high, attendance was not. It was very difficult to go to school and study after a full day's work. The teachers, mostly day instructors accustomed to little children, were inadequate, and the instructional process was very slow in a setting where the seats were child-sized. Although

a certain number of immigrants undoubtedly learned the rudiments of English and civics in these classes, the extremely high drop-out rate indicates that, like the day schools, the evening schools were not central to immigrant acculturation in New York.[21]

All of the above is not meant to deny the importance of the public schools for millions of immigrants and their children and it is certainly not intended to derogate the importance of schools today, when our credentialed society makes formal education so essential. It is meant to point out that the influence of formal education on the acculturation of the immigrant varied with time and the group under consideration, and that in no instance was it the most important factor. This perspective may be of some use to us today, when our educational expectations are so high and the consequent pressures on the schools are so great.

## FOOTNOTE

[1] Quoted in Bayard Still, ed., *Mirror for Gotham* New York: New York University Press, 1956), p. 21.

[2] Raymond A. Mohl, *Poverty in New York* (New York: Oxford University Press, 1971), p. 183.

[3] Carl Kaestle, *Evolution of an Urban School System* (Cambridge, Mass.: Harvard University Press, 1973), p. 82

[4] *Ibid.*, p. 144.

[5] Robert Ernst, *Immigrant Life in New York* (Port Washington, N.Y.: Ira J. Friedman, 1949), ch. 2. *passim.*

[6] Vincent Lannie, *Public Money and Parochial Education* (Cleveland: Case Western Reserve Press, 1968), has the best summary of the first school war.

[7] Selma Berrol. "Who Went to School in Mid-Nineteenth Century New York?" in *Essays on the History of New York City*, ed. Irwin Yellowitz (Port Washington, N.Y.: Kennikat Press, 1978), provides a detailed analysis of the register books of Grammar School 14.

[8] Diane Ravitch, *The Great School Wars: New York City, 1805-1972* (New York: Basic Books, 1974), ch. 11.

[9] Selma Berrol, "Superintendent Julia Richman, Agent of Change in the Urban School," *Urban Education*, 11 (Jan. 1977), 357-73.

[10] Selma Berrol, "Immigrants at School" (unpublished Ph.D. dissertation, City University of New York, 1967), ch. 3.

[11] Jeremy Felt, *Hostages of Fortune* (Syracuse, N.Y.: Syracuse University Press, 1965), *passim.*

[12] Selma Berrol, "Education and Economic Mobility: The Jewish Experience in New York City, 1880-1920," *American Jewish Historical Quarterly*, 65 (Mar. 1976), 257-71.

[13] Betty Boyd Caroli and Thomas Kessner, "New Immigrant Women at Work: Italians and Jews in New York City, 1880-1905," *Journal of Ethnic Studies*, 5 (Winter 1978), 19-31.

[14] Thomas Kessner, *The Golden Door: Italian and Jewish Immigrant Mobility in New York City, 1880-1915* (New York: Oxford University Press, 1977), *passim*; and Moses Rischin, *The Promised City: New York's Jews, 1870-1914* (Cambridge, Mass.: Harvard University Press, 1962), ch. 1.

[15] Isaac Metzger, ed., *A Bintel Brief* (New York: Ballantine Books, 1971), p. 50.

[16] See Selma Berrol, "The Open City: Jews, Jobs, and Schools, New York City, 1880-1915," *Educating an Urban People* (New York: Teachers College Press, 1980), in which this argument is explained in detail.

[17] Selma Berrol, "School Days on the Old East Side: The Italian and Jewish Experience," *New York History*, 57 (Apr. 1976), 201-13; and Alexander Dushkin, *Jewish Education in New York* (New York: Bureau of Jewish Education, 1918), *passim.*

[18] New York City, Department of Education, *Fourth Annual Report of the City Superintendent of Schools*, 1902, pp. 29-30; *Tenth Annual Report*, 1908, p. 356.

[19] Children's Aid Society, *The Crusade for Children: A Review of Child Life in New York during Seventy-Five Years* (New York: n. p., 1928), *passim*; and James W. Sanders, *The Education of an Urban Minority: Catholics in Chicago, 1833-1965* (New York: Oxford University Press, 1977), p. 70.

[20] Ravitch, *Great School Wars*, ch. 21.

[21] Selma Berrol, "From Compensatory Education to Adult Education: The New York City Evening Schools, 1825-1935," *Adult Education*, 26 (Summer 1976), 208-25.

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**Anzia Yezierska, in *The Open Cage: An Anzia Yezierska Collection*, ed. Alice Kessler-Harris (Persea Books, 1979)**

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## CHILDREN OF LONELINESS

### I

Oh, Mother, can't you use a fork?" exclaimed Rachel as Mrs. Ravinsky took the shell of the baked potato in her fingers and raised it to her watering mouth.

"Here, *Teacherin* mine, you want to learn me in my old age how to put the bite in my mouth?" The mother dropped the potato back into her plate, too wounded to eat. Wiping her hands on her blue-checked apron, she turned her glance to her husband, at the opposite side of the table.

"Yankev," she said bitterly, "stick your bone on a fork. Our *teacherin* said you dassn't touch no eatings with the hands."

"All my teachers died already in the old country," retorted the old man. "I ain't going to learn nothing new no more from my American daughter." He continued to suck the marrow out of the bone with that noisy relish that was so exasperating to Rachel.

"It's no use," stormed the girl, jumping up from the table in disgust; "I'll never be able to stand it here with you people."

" 'You people?' What do you mean by 'you people?' " shouted the old man, lashed into fury by his

daughter's words. "You think you got a different skin from us because you went to college?"

"It drives me wild to hear you crunching bones like savages. If you people won't change, I shall have to move and live by myself."

Yankev Ravinsky threw the half-gnawed bone upon the table with such vehemence that a plate broke into fragments.

"You witch you!" he cried in a hoarse voice tense with rage. "Move by yourself! We lived without you while you was away in college, and we can get on without you further. God ain't going to turn his nose on us because we ain't got table manners from America. A hell she made from this house since she got home."

"*Shah!* Yankev *leben*," pleaded the mother, "the neighbors are opening the windows to listen to our hollering. Let us have a little quiet for a while till the eating is over."

But the accumulated hurts and insults that the old man had borne in the one week since his daughter's return from college had reached the breaking-point. His face was convulsed, his eyes flashed, and his lips were flecked with froth as he burst out in a volley of scorn:

"You think you can put our necks in a chain and learn us new tricks? You think you can make us over for Americans? We got through till fifty years of our lives eating in our own old way—"

"Woe is me, Yankev *leben!*" entreated his wife. "Why can't we choke ourselves with our troubles? Why must the whole world know how we are tearing ourselves by the heads? In all Essex Street, in all New York, there ain't such fights like by us."

Her pleadings were in vain. There was no stopping Yankev Ravinsky once his wrath was roused. His daughter's insistence upon the use of a knife and fork spelled apostasy, anti-Semitism, and the aping of the Gentiles.

Like a prophet of old condemning unrighteousness, he ran the gamut of denunciation, rising to heights of fury that were sublime and godlike, and sinking from sheer exhaustion to abusive bitterness.

"*Pfui* on all your American colleges! *Pfui* on the morals of America! No respect for old age. No feat for God. Stepping with your feet on all the laws of the holy Torah. A fire should burn out the whole new generation. They should sink into the earth, like Korah."

"Look at him cursing and burning! Just because I insist on their changing their terrible table manners. One would think I was killing them."

"Do you got to use a gun to kill?" cried the old man, little red threads darting out of the whites of his eyes.

"Who is doing the killing? Aren't you choking the life out of me? Aren't you dragging me by the hair to the darkness of past ages every minute of the day? I'd die of shame if one of my college friends should open the door while you people are eating."

"You—you—"

The old man was on the point of striking his daughter when his wife seized the hand he raised.

"*Mincha!* Yankev, you forgot *Mincha!*"

This reminder was a flash of inspiration on Mrs. Ravinsky's part, the only thing that could have ended the quarreling instantly. *Mincha* was the prayer just before sunset of the orthodox Jews. This religious rite was so automatic with the old man that at his wife's mention of *Mincha* everything was immediately shut out, and Yankev Ravinsky rushed off to a corner of the room to pray.

"*Ashrai Yoishwai Waisahuh!*"

"Happy are they who dwell in Thy house. Ever shall I praise Thee. *Selah!* Great is the Lord, and exceedingly to be praised; and His greatness is unsearchable. On the majesty and glory of Thy splendor, and on Thy marvelous deeds, will I meditate."

The shelter from the storms of life that the artist finds in his art, Yankev Ravinsky found in his prescribed communion with God. All the despair caused by his daughter's apostasy, the insults and disappointments he suffered, were in his sobbing voice. But as he entered into the spirit of his prayer, he felt the man of flesh drop away in the outflow of God around him. His voice mellowed, the rigid wrinkles of his face softened, the hard glitter of anger and condemnation in his eyes was transmuted into the light of love as he went on:

"The Lord is gracious and merciful; slow to anger and of great loving-kindness. To all that call upon Him in truth He will hear their cry and save them."

Oblivious to the passing and repassing of his wife as she warmed anew the unfinished dinner, he continued:

"Put not your trust in prices, in the son of man in whom here is no help." Here Reb Ravinsky paused long enough to make a silent confession for the sin of having placed his hope on his daughter instead of on God. His whole body bowed with the sense of guilt. Then in a moment his humility was transfigured into exaltation. Sorrow for sin dissolved in joy as he became more deeply aware of God's unfailing protection.

"Happy is he who hath the God of Jacob for his help, whose hope is in the Lord his God. He healeth the broken in heart, and bindeth up their wounds."

A healing balm filled his soul as he returned to the table, where the steaming hot food awaited him. Rachel sat near the window pretending to read a

book. Her mother did not urge her to join them at the table, fearing another outbreak, and the meal continued in silence.

The girl's thoughts surged hotly as she glanced from her father to her mother. A chasm of four centuries could not have separated her more completely from them than her four years at Cornell.

"To think that I was born of these creatures! It's an insult to my soul. What kinship have I with these two lumps of ignorance and superstition? They're ugly and gross and stupid. I'm all sensitive nerves. They want to wallow in dirt."

She closed her eyes to shut out the sight of her parents as they silently ate together, unmindful of the dirt and confusion.

"How is it possible that I lived with them and like them only four years ago? What is it in me that so quickly gets accustomed to the best? Beauty and cleanliness are as natural to me as if I'd been born on Fifth Avenue instead of the dirt of Essex Street."

A vision of Frank Baker passed before her. Her last long talk with him out under the trees in college still lingered in her heart. She felt that she had only to be with him again to carry forward the beautiful friendship that had sprung up between them. He had promised to come shortly to New York. How could she possibly introduce such a born and bred American to her low, ignorant, dirty parents?

"I might as well tear the thought of Frank Baker out of my heart," she told herself. "If he just once sees the pigsty of a home I come from, if he just sees the table manners of my father and mother, he'll fly through the ceiling."

Timidly, Mrs. Ravinsky turned to her daughter.

"Ain't you going to give a taste the eating?"

No answer.

"I fried the *lotkes* special' for you—"

"I can't stand your fried, greasy stuff."

"Ain't even my cooking good no more either?" Her gnarled, hard-worked hands clutched at her breast. "God from the world, for what do I need yet any more my life? Nothing I do for my child is no use no more."

Her head sank; her whole body seemed to shrivel and grow old and the sense of her own futility.

"How I was hurrying to run by the butcher before everybody else, so as to pick out the grandest, fattest piece of *brust*!" she wailed, tears streaming down her face. "And I put my hand away from my heart and put a whole fresh egg into the *lotkes*, and I stuffed the stove full of coal like a millionaire so as to get the *lotkes* fried so nice and brown; and now you give a kick on everything I done—

"Fool woman," shouted her husband, "stop laying yourself on the ground for your daughter to step on you! What more can you expect from a child raised up in America? What more can you expect but that she should spit in your face and make dirt from you?" His eyes, hot and dry under their lids, flashed from his wife to his daughter. "The old Jewish eating is poison to her; she must have *trefa* ham—only forbidden food."

Bitter laughter shook him.

"Woman, how you patted yourself with pride before all the neighbors, boasting of our great American daughter coming home from college! This is our daughter, our pride, our hope, our pillow for our old age that we were dreaming about! This is our American *teacherin*! A Jew-hater, an anti-Semite we brought into the world, a betrayer of our race who hates her own father and mother like the Russian Czar once hated a Jew. She makes herself so refined, she can't stand it when we use the knife or fork the wrong way; but her heart is that of a brutal Cossack, and she spills her own father's and mother's blood like water."

Every word he uttered seared Rachel's soul like burning acid. She felt herself becoming a witch, a she-devil, under the spell of his accusations.

"You want me to love you yet?" She turned upon her father like an avenging fury. "If there's any evil hatred in my soul, you have roused it with your cursed preaching."

"*Oi-i-i*! Highest One! pity Yourself on us!" Mrs. Ravinsky wrung her hands. "Rachel, Yankev, let there be an end to this knife-stabbing! *Gottuniu*! my flesh is torn to pieces!"

Unheeding her mother's pleading, Rachel rushed to the closet where she kept her things.

"I was a crazy idiot to think that I could live with you people under one roof." She flung on her hat and coat and bolted for the door.

Mrs. Ravinsky seized Rachel's arm in passionate entreaty.

"My child, my heart, my life, what do you mean? Where are you going?

"I mean to get out of this hell of a home this very minute," she said, tearing loose from her mother's clutching hands.

"Woe is me! My child! We'll be to shame and to laughter by the whole world. What will people say?"

"Let them say! My life is my own; I'll live as I please." She slammed the door in her mother's face.

"They want me to love them yet," ran the mad thoughts in Rachel's brain as she hurried through the streets, not knowing where she was going, not caring. "Vampires, bloodsuckers fastened on my flesh! Black shadow blighting every ray of light that ever came my way! Other parents scheme and plan and wear themselves out to give their child a chance, but

they put dead stone in front of every chance I made for myself."

With the cruelty of youth to everything not youth, Rachel reasoned:

"They have no rights, no claims over me like other parents who do things for their children. It was my own brains, my own courage, my own iron will that forced my way out of the sweatshop to my present position in the public schools. I owe them nothing, nothing, nothing."

## II

Two weeks already away from home. Rachel looked about her room. It was spotlessly clean. She had often said to herself while at home with her parents: "All I want is an empty room, with a bed, a table, and a chair. As long as it is clean and away from them, I'll be happy." But was she happy?

A distant door closed, followed by the retreating sound of descending footsteps. Then all was still, the stifling stillness of a rooming-house. The white, empty walls pressed in upon her, suffocated her. She listened acutely for any stir of life, but the continued silence was unbroken save for the insistent ticking of her watch.

"I ran away from home burning for life," she mused, "and all I've found is the loneliness that's death." A wave of self-pity weakened her almost to the point of tears. "I'm alone! I'm alone!" she moaned, crumpling into a heap.

"Must it always be with me like this," her soul cried in terror, "either to live among those who drag me down or in the awful isolation of a hall bedroom? Oh, I'll die of loneliness among these frozen, each-shut-in-himself Americans! It's one thing to break away, but, oh, the strength to go on alone! How can I ever do it? The love instinct is so strong in me; I can not live without love, without people."

The thought of a letter from Frank Baker suddenly lightened her spirits. That very evening she was to meet him for dinner. Here was hope—more than hope. Just seeing him again would surely bring the certainty.

This new rush of light upon her dark horizon so softened her heart that she could almost tolerate her superfluous parents.

"If I could only have love and my own life, I could almost forgive them for bringing me into the world. I don't really hate them; I only hate them when they stand between me and the new America that I'm to conquer."

Answering her impulse, her feet led her to the familiar Ghetto streets. On the corner of the block where her parents lived she paused, torn between the desire to see her people and the fear of their nagging reproaches. The old Jewish proverb came to her mind: "The wolf is not afraid of the dog, but he hates his bark." "I'm not afraid of their black curses for sin. It's nothing to me if they accuse me of being an anti-Semite or a murderer, and yet why does it hurt me so?"

Rachel had prepared herself to face the usual hail-storm of reproaches and accusations, but as she entered the dark hallway of the tenement, she heard her father's voice chanting the old familiar Hebrew psalm of "The Race of Sorrows":

"Hear my prayer, O Lord, and let my cry come unto Thee.

For my days are consumed like smoke, and my bones are burned as an hearth.

I am like a pelican of the wilderness.

I am like an owl of the desert.

I have eaten ashes like break and mingled my drink with weeping."

A faintness came over her. The sobbing strains of the lyric song melted into her veins like a magic sap, making her warm and human again. All her strength seemed to flow out of her in pity for her people. She longed to throw herself on the dirty, ill-smelling tenement stairs and weep: "Nothing is real but love—love. Nothing so false as ambition."

Since her early childhood she remembered often waking up in the middle of the night and hearing her father chant this age-old song of woe. There flashed before her a vivid picture of him, huddled in the corner beside the table piled high with Hebrew books, swaying to the rhythm of her Jeremiad, the sputtering light of the candle stuck in a bottle throwing uncanny shadows over his gaunt face. The skull-cap, the side-locks, and the long gray beard made him seem like some mystic stranger from a far-off world and not a father. The father of the daylight who ate with a knife, spat on the floor, and who was forever denouncing America and Americans was different from this mystic spirit stranger who could thrill with such impassioned rapture.

Thousands of years of exile, thousands of years of hunger, loneliness, and want swept over her as she listened to her father's voice. Something seemed to be crying out to her to run in and seize her father and mother in her arms and hold them close.

"Love, love—nothing is true between us but love," she thought.

But why couldn't she do what she longed to do? Why, with all her passionate sympathy for them, should any actual contact with her people seem so impossible? No, she couldn't go in just yet. Instead, she ran up on the roof, where she could be alone. She stationed herself at the air-shaft opposite their

kitchen window, where for the first time since she had left in a rage she could see her old home.

*Ach!* what sickening disorder! In the sink were the dirty dishes stacked high, untouched, it looked, for days. The table still held the remains of the last meal. Clothes were strewn about the chairs. The bureau drawers were open, and their contents brimmed over in mad confusion.

"I couldn't endure it, this terrible dirt!" Her nails dug into her palms, shaking with the futility of her visit. "It would be worse than death to go back to them. It would mean giving up order, cleanliness, sanity, everything that I've striven all these years to attain. It would mean giving up the hope of my new world—the hope of Frank Baker."

The sound of the creaking door reached her where she crouched against the air-shaft. She looked again into the murky depths of the room. Her mother had entered. With arms full of paper bags of provisions, the old woman paused on the threshold, her eyes dwelling on the dim figure of her husband. A look of pathetic tenderness illumined her wrinkled features.

"I'll make something good to eat for you, yes?"

Reb Ravinsky only dropped his head on his breast. His eyes were red and dry, sandy with sorrow that could find no release in tears. Good God! Never had Rachel seen such profound despair. For the first time she noticed the grooved tracings of withering age knotted on his face and the growing hump on her mother's back.

"Already the shadow of death hangs over them," she thought as she watched them. "They're already with one foot in the grave. Why can't I be human to them before they're dead? Why can't I?"

Rachel blotted away the picture of the sordid room with both hands over her eyes.

"To death with my soul! I wish I were a plain human being with a heart instead of a monster of selfishness with a soul."

But the pity she felt for her parents began now to be swept away in a wave of pity for herself.

"How every step in advance costs me my heart's blood! My greatest tragedy in life is that I always see the two opposite sides at the same time. What seems to me right one day seems all wrong the next. Not only that, but many things seem right and wrong at the same time. I feel I have a right to my own life, and yet I feel just as strongly that I owe my father and mother something. Even if I don't love them, I have no right to step over them. I'm drawn to them by something more compelling than love. It is the cry of their dumb, wasted lives."

Again Rachel looked into the dimly lighted room below. Her mother placed food upon the table. With a self-effacing stoop of humility, she entreated, "Eat only while it is hot yet."

With his eyes fixed almost unknowingly, Reb Ravinsky sat down. Her mother took the chair opposite him, but she only pretended to eat the slender portion of the food she had given herself.

Rachel's heart swelled. Yes, it had always been like that. Her mother had taken the smallest portion of everything for herself. Complaints, reproaches, upbraidings, abuse, yes, all these had been heaped by her upon her mother; but always the juciest piece of meat was placed on her plate, the thickest slice of bread; the warmest covering was given to her, while her mother shivered through the night.

"Ah, I don't want to abandon them!" she thought; "I only want to get to the place where I belong. I only want to get to the mountaintops and view the world from the heights, and then I'll give them everything I've achieved."

Her thoughts were sharply broken in upon by the loud sound of her father's eating. Bent over the table, he chewed with noisy gulps a piece of herring, his temples working to the motion of his jaws. With each audible swallow the smacking of the lips, Rachel's heart tightened with loathing.

"Their dirty ways turn all my pity into hate." She felt her toes and her fingers curl inward with dusgust. "I'll never amount to anything if I'm not strong enough to break away from them once and for all." Hypnotizing herself into her line of self-defense, her thoughts raced on: "I'm only cruel to be kind. If I went back to them now, it would not be out of love, but because of weakness—because of doubt and unfaith in myself."

Rachel bluntly turned her back. Her head lifted. There was iron will in her jaws.

"If I haven't the strength to tear free from the old, I can never conquer the new. Every new step a man makes is a tearing away from those clinging to him. I must get tight and hard as rock inside of me if I'm ever to do the things I set out to do. I must learn to suffer and suffer, walk through blood and fire, and not bend from my course."

For the last time she looked at her parents. The terrible loneliness of their abandoned old age, their sorrowful eyes, the wrung-dry weariness on their faces, the whole black picture of her ruined, desolate home, burned into her flesh. She knew all the pain of one unjustly condemned, and the guilt of one with the spilt blood of helpless lives upon his hands. Then came tears, blinding, wrenching tears that tore at her heart until it seemed that they would rend her body into shreds.

"God! God!" she sobbed as she turned her head away from them, "if all this suffering were at least for something worth while, for something outside

myself. But to have to break them and crush them merely because I have a fastidious soul that can't stomach their table manners, merely because I can't strangle my aching ambitions to rise in the world!"

She could no longer sustain the conflict which raged within her higher and higher at every moment. With a sudden tension of all her nerves she pulled herself together and stumbled blindly downstairs and out of the house. And she felt as if she had torn away from the flesh and blood of her own body.

## III

Out in the street she struggled to get hold of herself again. Despite the tumult and upheaval that racked her soul, an intoxicating lure still held her up—the hope of seeing Frank Baker that evening. She was indeed a storm-racked ship, but within sight of shore. She need but throw out the signal, and help was nigh. She need but confide to Frank Baker of her break with her people, and all the dormant sympathy between them would surge up. His understanding would widen and deepen because of her great need for his understanding. He would love her the more because of her great need for his love.

Forcing back her tears, stepping over her heartbreak, she hurried to the hotel where she was to meet him. Her father's impassioned rapture when he chanted the Psalms of David lit up the visionary face of the young Jewess.

"After all, love is the beginning of the real life," she thought as Frank Baker's dark, handsome face flashed before her. "With him to hold on to, I'll begin my new world."

Borne higher and higher by the intoxicating illusion of her great destiny, she cried:

"A person all alone is but a futile cry in an unheeding wilderness. One alone is but a shadow, an echo of reality. It takes two together to create reality. Two together can pioneer a new world."

With a vision of herself and Frank Baker marching side by side to the conquest of her heart's desire, she added:

"No wonder a man's love means so little to the American woman. They belong to the world in which they are born. They belong to their fathers and mothers; they belong to their relatives and friends. They are human even without a man's love. I don't belong; I'm not human. Only a man's love can save me and make me human again."

It was the busy dinner-hour at the fashionable restaurant. Pausing at the doorway with searching eyes and lips eagerly parted, Rachel's swift glance circled the lobby. Those seated in the dining-room beyond who were not too absorbed in one another, noticed a slim, vivid figure of ardent youth, but with dark, age-old eyes that told of the restless seeking of her homeless race.

With nervous little movements of anxiety, Rachel sat down, got up, then started across the lobby. Halfway, she stopped, and her breath caught.

"Mr. Baker," she murmured, her hands fluttering toward him with famished eagerness. His smooth, athletic figure had a cock-sureness that to the girl's worshipping gaze seemed the perfection of male strength.

"You must be doing wonderful things," came from her admiringly, "you look so happy, so shining with life."

"Yes,"—he shook her hand vigorously,—"I've been living for the first time since I was a kid. I'm full of such interesting experiences. I'm actually working in an East Side settlement."

Dazed by his glamourous success, Rachel stammered soft phrases of congratulations as he led her to a table. But seated opposite him, the face of this untried youth, flushed with the health and happiness of another world than that of the poverty-crushed Ghetto, struck her almost as an insincerity.

"You in an East Side settlement?" she interrupted sharply. "What reality can there be in that work for you?"

"Oh," he cried, his shoulders squaring with the assurance of his master's degree in sociology, "it's great to get under the surface and see how the other half lives. It's so picturesque! My conception of these people has greatly changed since I've been visiting their homes." He launched into a glowing account of the East Side as seen by a twenty-five-year-old college graduate.

"I thought them mostly immersed in hard labor, digging subways or slaving in sweatshops," he went on. "But think of the poetry which the immigrant is daily living!"

"But they're so sunk in the dirt of poverty, what poetry do you see there?"

"It's their beautiful home life, the poetic devotion between parents and children, the sacrifices they make for one another—"

"Beautiful home life? Sacrifices? Why, all I know of is the battle to the knife between parents and children. It's black tragedy that boils there, not the pretty sentiments that you imagine."

"My dear child,"—he waved aside her objection,—"you're too close to judge dispassionately. This very afternoon, on one of my friendly visits, I came upon a dear old man who peered up at me through horn-rimmed glasses behind his pile of Hebrew books. He was hardly able to speak English, but I found him a great scholar."

"Yes, a lazy old do-nothing, a bloodsucker on his

wife and children."

Too shocked for remonstrance, Frank Baker stared at her.

"How else could he have time in the middle of the afternoon to pour over his books?" Rachel's voice was hard with bitterness. "Did you see his wife? I'll bet she was slaving for him in the kitchen. And his children slaving for him in the sweat-shop."

"Even so, think of the fine devotion that the women and children show in making the lives of your Hebrew scholars possible. It's a fine contribution to America, where our tendency is to forget idealism."

"Give me better a plain American man who supports his wife and children and I'll give you all those dreamers of the Talmud."

He smiled tolerantly at her vehemence.

"Nevertheless," he insisted, "I've found wonderful material for my new book in all this. I think I've got a new angle on the social types of your East Side."

An icy band tightened about her heart. "Social types," her lips formed. How could she possibly confide to this man of the terrible tragedy that she had been through that very day? Instead of the understanding and sympathy that she had hoped to find, there were only smooth platitudes, the sightseer's surface interest in curious "social types."

Frank Baker talked on. Rachel seemed to be listening, but her eyes had a far-off, abstracted look. She was quiet as a spinning-top is quiet, her thoughts and emotions revolving within her at high speed.

"That man in love with me? Why, he doesn't see me or feel me. I don't exist to him. He's only stuck on himself, blowing his own horn. Will he never stop with his 'I,' 'I,' 'I,'? Why, I was a crazy lunatic to think that just because we took the same courses in college, he would understand me out in the real world."

All the fire suddenly went out of her eyes. She looked a thousand years old as she sank back wearily in her chair.

"Oh, but I'm boring you with all my heavy talk on sociology." Frank Baker's words seemed to come to her from afar. "I have tickets for a fine musical comedy that will cheer you up, Miss Ravinsky—"

"Thanks, thanks," she cut in hurriedly. Spend a whole evening sitting beside him in a theater when her heart was breaking? No. All she wanted was to get away—away where she could be alone. "I have work to do," she heard herself say. "I've got to get home."

Frank Baker murmured words of polite disappointment and escorted her back to her door. She watched the sure swing of his athletic figure as he strode away down the street, then she rushed upstairs.

Back in her little room, stunned, bewildered, blinded with her disillusion, she sat staring at her four empty walls.

Hours passed, but she made no move, she uttered no sound. Doubled fists thrust between her knees, she sat there, staring blindly at her empty walls.

"I can't live with the old world, and I'm yet too green for the new. I don't belong to those who gave me birth or to those with whom I was educated."

Was this to be the end of all her struggles to rise in America, she asked herself, this crushing daze of loneliness? Her driving thirst for an education, her desperate battle for a little cleanliness, for a breath of beauty, the tearing away from her own flesh and blood to free herself from the yoke of her parents—what was it all worth now? Where did it lead to? Was loneliness to be the fruit of it all?

Night was melting away like a fog; through the open window the first lights of dawn were appearing. Rachel felt the sudden touch of the sun upon her face, which was bathed in tears. Overcome by her sorrow, she shuddered and put her hand over her eyes as tho to shut out the unwelcome contact. But the light shone through her fingers.

Despite her weariness, the renewing breath of the fresh morning entered her heart like a sunbeam. A mad longing for life filled her veins.

"I want to live," her youth cried. "I want to live, even at the worst."

Live how? Live for what? She did not know. She only felt she must struggle against her loneliness and weariness as she had once struggled against dirt, against the squalor and ugliness of her Ghetto home.

Turning from the window, she concentrated her mind, her poor tired mind, on one idea.

"I have broken away from the old world; I'm through with it. It's already behind me. I must face this loneliness till I get to the new world. Frank Baker can't help me; I must hope for no help from the outside. I'm alone; I'm alone till I get there.

"But am I really alone in my seeking? I'm one of the millions of immigrant children, children of loneliness, wandering between worlds that are at once too old and too new to live in."

# SOCIAL MEANINGS OF U.S. CITIZENSHIP, 1865-1925

**Nancy F. Cott**
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This syllabus deals with the social and economic as well as the political underpinnings and meanings of citizenship during slightly more than a half-century of rapid transformation. In 1860 the United States was a mainly rural and Protestant nation, where blacks were enslaved and women lacked the ballot; its economy was principally agricultural, its bearing in international politics provincial. In 1925 the nation's economy was commercial and industrial, its power in international affairs great and its people, mostly urban, contained heterogeneous immigrants of varying religions. Its women were enfranchised and its blacks no longer enslaved nor limited to the rural South.

By mixing personal testimony and autobiography, fiction, social investigation, and policy and legal pronouncements, the syllabus attempts to convey some of the varied experiences, perceptions and intentions that fed into differing visions of social order on the part of Americans of varying race, gender, and ethnicity. Citizenship can be most usefully interpreted in a broad sense, as comprising more than literal nationality or political being because it always implies broad conceptions of social order.

The syllabus starts off with a suit brought to the U.S. Supreme Court in the early 1870s by Virginia Minor of Missouri, who claimed that voting was a prerogative of citizens, and that therefore the Fourteenth Amendment (adopted in 1865) had enfranchised all women in its affirmation that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside." The Supreme Court's decision in this case, turning aside Minor's claim, denied that voting necessarily adhered to citizenship and invoked states' rights to determine the privileges and prerogatives of citizens (including voting rights), thereby paving the way for Southern states to disenfranchise black men in succeeding decades and some Northern and especially Western ones to give women the ballot. The *Minor* case introduces a number of interesting considerations about early interpretations and implications of the post-Civil War constitutional amendments for the meaning and practice of citizenship in its formal senses.

The second week's reading introduces another of the themes of the course: the presentation of differing and alternative models of permissible and successful citizenship. The narrative of black leader Frederick Douglas evokes an exceptional personal dimension of the journey from slavery to freedom, while representing an influential model of the black male citizen. In subsequent weeks of the course, the readings of Polish peasants' letters, of the autobiographical fiction of Jewish immigrants Abraham Cahan or Anzia Yezierska, of the oral history of Southern black sharecropper Nate Shaw offer the chance to assess other conceptions of being and becoming an American citizen from individuals in various geographical and ethnic communities. In these works there will be the opportunity to explore how "the American dream" of success looked to individuals other than the prototypical white male Protestant.

During the third week of the course, the reading is a work of fiction, a utopian novel which commanded a tremendous readership in the U.S. in the decade after its publication in 1888—Edward Bellamy's *Looking Backward*. Bellamy's book and its popularity raise in a pointed way some fears concerning social and political order in the turbulent decade of the 1890s. Sometimes called either communist or fascist, Bellamy's vision engages head-on the issue of the individual citizen's relation to the social whole. The succeeding week's reading contains several different selections illustrating ways in which relatively privileged white Americans promoted or perceived the national mission and solutions to increasingly visible social conflicts in the increasingly heterogeneous nation. Writer John Fiske's pronouncement on the international destiny of Anglo-Americans to civilize the world, a social researcher's report on the planned worker town of Pullman, author William Dean Howell's wry reaction to the 1893 World's Fair in Chicago, and a conservative woman writer's vision of dystopia draw out some of the concerns manifest in Bellamy's book, suggesting the ways in which increasing class stratification and U.S. imperial intentions were forcing new assessments of citizenship.

In the personal history of social reformer and Hull House founder Jane Addams, and in the tracts of political reformers and journalists Herbert Croly and Walter Lippmann, all written during the early twentieth-century "Progressive" years, several practical reformist views of citizenship and order can be explored. These raise the paradoxes of Progressive-era thought and politics, and some of the questions about the

intents and effects of reform during the period. While Progressive reformers embraced the salutary aim of substituting neutral and informed standards for corrupt influence-peddling by political machines or wielders of capital, their emphasis on expert management also diverted control from the populace to an elite of professional and business-managerial experts. The historical literature reveals the irony that the era known for such democratic political reforms as direct election of Senators, direct primaries, the initiative, referendum and recall, also ushered in the years of lowest voter turnout in U.S. political history. This resulted partly from voting "reforms" which included not only the continuing disenfranchisement of blacks and sometimes poor whites in the South, but also more rigid residency and registration requirements in Northern states, which limited immigrant voting. At the municipal level, substitution of at-large for district voting sometimes curbed the success of minority interest-group candidates.

In the last two weeks, the readings return explicitly to the issue of citizenship proclaimed in voting power, through focus on the woman suffrage campaign. The documents and analysis permit consideration of several of the themes of the syllabus through the eyes of women avidly seeking the ballot. The final week's reading of selections from the Lynds' classic study *Middletown* (which compares life in Muncie, Indiana in the 1890s and the mid-1920s) allows summary consideration of changes in modern twentieth century society and citizenship.

Overall, this syllabus should provoke thought about tensions between localism and federalism in our national history, between isolationism and imperial pretensions, between pluralism and the concern for a dominant set of national values in this era of change. By the turn of the twentieth century, as demographic scale, ethnic diversity and changing economic organization challenged earlier conceptions of civic virtue and efficacy, Americans of many different backgrounds and visions contributed to new definitions of the relations between citizens that supplemented and sometimes supplanted earlier social forms and ideological formulations.

## READINGS

**Week 1** *Is Citizenship a Right or a Privilege?*

### *Primary Readings*

Plaintiffs' Brief and Argument, *Minor v. Happersett*, in Aileen S. Kraditor, ed. *Up from the Pedestal* (Chicago, 1970), pp. 230-243.

"A Woman's Suffrage Case in the Supreme Court," in Barbara A. Babcock et al., *Sex Discrimination and the Law: Causes and Remedies* (Boston, 1975), pp. 11-19 [re Minor v. Happersett, 88 U.S. (21 Wall) 162, 22 L. Ed. 627 (1875)].

Ellen C. DuBois, *Feminism and Suffrage* (Ithaca, N.Y., 1978), chapter 2.

James McPherson, "Abolitionism, Woman Suffrage and the Negro," *Mid-America* 47 (1965), pp. 40-47.

### *Secondary Readings*

Ellen Carol Dubois, *Feminism and Suffrage: The Emergence of an Independent Women's Movement in America, 1848-1869* (Ithaca, N.Y., 1978).

J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South* (New Haven, 1974).

**Week 2** *Does Freedom from Slavery Equal Citizenship?*

### *Primary Readings*

From Frederick Douglas, *Narrative and Selected Writings*, ed. Michael Meyer (N.Y., 1981), "My Bondage and My Freedom" (1855 ed.) and "Life and Times of Frederick Douglas" (1892 ed.).

Joel Williamson, *A Rage for Order: Black-White Relations in the American South Since Emancipation* (N.Y., 1986), chapter 2, "Black Life in the South, 1865-1915."

### *Secondary Readings*

C. Vann Woodward, *The Strange Career of Jim Crow* (N.Y., 1955).

George Frederickson, *The Black Image in the White Mind: the Debate on Afro-American Character and Destiny, 1817-1914* (N.Y., 1971).

**Week 3** *A Utopian Vision of Citizenship and Social Order*

### *Primary Readings*

Edward Bellamy, *Looking Backward, 2000-1887* (1888: reprint, N.Y., 1960).

Mari Jo Buhle, *Women and American Socialism* (Urbana, 1981), pp. 75-82.

Mary A. Hill, *Charlotte Perkins Gilman* (Philadelphia, 1980), pp. 167-174. (Buhle and Hill provide brief information on Bellamy's appeal.)

### *Secondary Readings*

E. Sadler, "One Book's Influence: Edward Bellamy's Looking Backward," *New England Quarterly* 17 (Dec. 1944), pp. 530-555.

Charlotte Perkins Gilman, *Herland* [1915], ed. Ann Lane (N.Y., 1979).

**Week 4** *Competing Versions of Social Order*

***Primary Readings***

John Fiske, "Manifest Destiny" (1895), in Sigmund Diamond, ed. *The Nation Transformed* (N.Y., 1963), pp. 447-462.

Richard Ely, Pullman: A Social Study (1885), Anna Bowman Dodd, "The Republic of the Future" (1887), and William Dean Howells, "Letters of an Altrurian Traveler," all reprinted in Neil Harris, ed., *The Land of Contrasts, 1880-1901* (N.Y., 1970), pp. 118-132, 192-202, 344-362.

Richard Hofstadter, *Social Darwinism in American Thought* (Boston, 1955), chapters 8, 9, Conclusion.

***Secondary Readings***

Walter LaFeber, *The New Empire: An Interpretation of American Expansionism, 1860-1898* (Ithaca, 1963).

Alan Trachtenberg, *The Incorporation of America; Culture and Society in the Gilded Age* (N.Y., 1982).

**Week 5** *The Progressive Municipality and Admission to Citizenship*

***Primary Readings***

Jane Addams, *Twenty Years at Hull House* [1910] (N.Y., 1960), chapters 2-11, 14.

Samuel Hays, "The Politics of Reform in Municipal Government in the Progessive Era," *Pacific Northwest Quarterly* 55 (1964), pp. 157-164.

***Secondary Readings***

Paul S. Boyer, *The Urban Masses and Moral Order in America, 1820-1920* (Cambridge, 1978).

Walter Dena Burnham, "The Changing Shape of the American Political Universe," *American Political Science Review* 59 (1965), pp. 7-28.

Kathryn Kish Sklar, "Hull House in the 1890s: A Community of Women," *Signs* 10 (Summer, 1985), pp. 658-677.

**Week 6** *Who are to be Citizens? Immigrants, Acculturation, Americanization*

***Primary Readings***

William I. Thomas and Florian Znaniecki, *The Polish Peasant in Europe and America* [1918-1920], ed. Eli Zaretsky (Urbana, 1984)—use this edition only: pp. 1-19, 35-47, 98-188, 256-298.

***Secondary Readings***

John Higham, *Strangers in the Land* (New Brunswick, 1955).

John Bodnar, *The Transplanted* (Bloomington, 1985).

Judith Smith, *Family Connections* (Albany, 1985).

**Weeks 7 and 8** *Fictional Renderings of Acculturation to U.S. Citizenship*

***Primary Readings***

Over a two-week period, read either:

Abraham Cahan, *The Rise of David Levinsky* (1917; reprint N.Y., 1981).

*OR*

Anzia Yezierska, *Bread-Givers* (1925; reprint N.Y., 1975), and Herbert Gutman, *Work, Culture and Society in Industrializing America* (N.Y., 1976), chapter 1, pp. 3-78.

***Secondary Readings***

(Same as for week 6)

**Week 9** *The Continuing Issue of Race and Full Citizenship*

***Primary Readings***

Theodore Rosengarten, *All God's Dangers: The Life of Nate Shaw* (N.Y., 1975), read as much as possible, at least xiii-xxv, pp. 3-37, 103-119, 127-128, 137-140, 169-170, 186-202, 261-271, 300-334, 341-361, 468-477, 562-583.

Williamson, *A Rage for Order*, chapter. IV, "In Violence Veritas," pp. 117-151.

***Secondary Readings***

C. Vann Woodward, *The Origins of the New South* (Baton Rouge, 1951).

Joel Williamson, *The Crucible of Race* (N.Y., 1984).

**Week 10** *A Progressive Utopian Vision*

***Primary Readings***

Herbert Croly, *The Promise of American Life* (1909; reprint N.Y., 1963), selected chapters.

David W. Levy, *Herbert Croly of the New Republic* (Princeton, 1985), pp. 96-141.

***Secondary Readings***

Daniel Rodgers, "In Search of Progessivism," *Reviews in American History* 10 (Dec. 1982), pp. 113-132.

Richard McCormick, "The Discovery That Business Corrupts Politics," *American Historical Review* 86 (1981), pp. 247-274.

**Week 11** *A Progressive Analysis of Social Order*

***Primary Readings***

Walter Lippmann, *Drift and Master* (1914, reprint Madison,, Wisconsin, 1986), selected chapters.

John D. Buenker, "Essay," in *Progressivism*, by Buenker, John C. Burham, and Robert M. Crunden

(Cambridge, 1977), pp. 32-69, and/or Robert M. Crunden, *Ministers of Reform: The Progressives' Achievement in American Civilization* (Urbana, 1984), chapter 6.

***Secondary Readings***

Christopher Lasch, *The New Radicalism in America: The Intellectual as a Social Type* (N.Y., 1965).

Ronald Steel, *Walter Lippman and the American Century* (N.Y., 1981).

**Week 12** *Citizenship For All, Including Women?*

***Primary Readings***

Anne Firor Scott and Andrew Scott, *One Half the People: The Fight for Women Suffrage* (Philadelphia, 1975)—documents and interpretive essay.

***Secondary Readings.***

Steven Buechler, *The Transformation of the Woman Suffrage Movement: The Case of Illinois* (New Brunswick, 1986).

Paul Baker, "The Domestication of Politics: Women and American Political Society, 1780-1920," *American Historical Review* 89: (June, 1984), pp. 620-647.

**Week 13** *Twentieth-Century Results*

***Primary Readings***

Robert S. Lynd and Helen Merrell Lynd, *Middletown: A Study in Modern American Culture* (1929, reprint, N.Y., 1956?, selected chapters.

***Secondary Readings***

Richard W. Fox and T.J. Jackson Lears, eds., *The Culture of Consumption* (N.Y., 1983).

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**Neil Harris, ed., *The Land of Contrasts*, (New York, 1970)**

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## LETTERS OF AN ALTRURIAN TRAVELLER

### William Dean Howells

*Chicago, Sept. 28, 1893.*

*My dear Cyril:*

When I last wrote you, I thought to have settled quietly down in New York for the rest of my stay in America, and given my time wholly to the study of its life, which seemed to me typical of the life of the whole country. I do not know, even now, that I should wish altogether to revise this impression; it still appears to me just, if not so distinct and so decisive, as it appeared before I saw Chicago, or rather the World's Fair City at Chicago, which is what I want to write you of. Chicago, one might say, was after all only a Newer York, an ultimated Manhattan, the realized ideal of that largeness, loudness and fastness, which New York has persuaded the Americans is metropolitan. But after seeing the World's Fair City here, I feel as if I had caught a glimpse of the glorious capitals which will whiten the hills and shores of the east and the borderless plains of the west, when the New York and the Newer York of today shall seem to all the future Americans as impossible as they could seem to any Altrurian now.

To one of our philosophy it will not be wonderful that this Altrurian miracle should have been wrought here in the very heart, and from the very heart, or egoism seven times heated in the fiery competition hitherto the sole joy of this strange people. We know that like produces like only up to a certain point, and that then unlike comes of like since all things are of one essence; that from life comes death at last, and from death comes life again in the final issue. Yet it would be useless trying to persuade most Americans that the World's Fair City was not the effect, the fine flower, of the competition which underlies their economy, but was the first fruits of the principle of emulation which animates our happy commonwealth, and gives men, as no where else on earth, a foretaste of heaven. If I were writing to an American I should have to supply him with proofs and argue facts at every moment, which will be self-evident to you in their mere statement.

I confess that I was very loth to leave New York, which I fancied I was beginning to see whole, after my first fragmentary glimpses of it. But I perceive now that without a sight of the White City (as the Americans with their instant poetry called the official group of edifices at the great Fair) and the knowledge of its history, which I could have realized nowhere but in its presence, New York would have wanted the relief, the projection, in which I shall hereafter be able to study it. For the worst effect of sojourn in an egotistic civilization (I always use this word for lack of a closer descriptive) is that Altrurian motives and efforts become incredible, and almost inconceivable. But the Fair City is a bit of Altruria: it is as if the

capital of one of our Regions had set sail and landed somehow on the shores of the vast inland sea, where the Fair City lifts its domes and columns.

Its story, which I need not rehearse to you at any length, records the first great triumph of Altrurian principles among this people in a work of peace; in their mighty civil war they were Altrurian enough; and more than once they have proved themselves capable of a magnificent self-sacrifice in bloodshed, but here for the first time in their pitiless economic struggle, their habitual warfare in which they neither give nor ask quarter, and take no prisoners, the interests submitted to the arts, and lent themselves as frankly to the work as if there had never been a question of money in the world. From the beginning it was believed that there could be no profit in the Fair; money loss was expected and accepted as a necessary part of the greater gain; and when the question passed from how much to how, in the discussion of the ways and means of creating that beauty which is the supreme use, the capitalists put themselves into the hands of the artists. They did not do it at once, and they did not all do it willingly. It is a curious trait of the American who has made money that he thinks he can make anything; and the Chicago millionaires who found themselves authorized by the nation to spend their money in the creation of the greatest marvel of the competitive world, thought themselves fully competent to work the miracle, or to choose the men who would work it according to their ideals. But their clarification, if it was not as swift as the passage of light was thorough, and I do not suppose there is now any group of rich men in Europe or America who have so luminous a sense of the true relations of the arts and the interests as they. The notion of a competition among the artists, which is the practical American's notion of the way to get the best art, was at length rejected by these most practical Americans, and one mind large enough to conceive the true means and strong enough to give its conception effect was empowered to invite the free cooperation of the arts through the foremost artists of the country. As yet the governmental function is so weak here that the national part in the work was chiefly obstructive, and finally null; and when it came to this there remained an opportunity for the arts, unlimited as to means and unhampered by conditions.

For the different buildings to be erected, different architects were chosen; and for the first time since the great ages, since the beauty of antiquity and the elegance of the renaissance, the arts were reunited. The greatest landscape gardeners, architects, sculptors and painters, gathered at Chicago for a joyous interchange of ideas and criticisms; and the miracle of beauty which they have wrought grew openly in their breath and under their hands. Each did his work and had his way with it, but in this congress of gifted minds, of sensitive spirits, each profited by the censure of all, and there were certain features of the work—as for instance, the exquisite peristyle dividing the city from the lake—which were the result of successive impulses and suggestions from so many different artists that it would be hard to divide the honor among them with exactness. No one, however, seems to have been envious of another's share, and each one gave his talent as freely as the millionaires gave their money. These great artists willingly accepted a fifth, a tenth, of the gain which they could have commanded in a private enterprise, and lavished their time upon the opportunity afforded them, for the pleasure of it, the pride of it, the pure good of it.

Of the effect, of this visible, tangible result, what better can I say, than that in its presence I felt myself again in Altruria? The tears came, and the pillared porches swam against my vision; through the hard nasal American tones, the liquid notes of our own speech stole to my inner ear; I saw under the careworn masks of the competitive crowds, the peace, the *rest* of the dear Altrurian face; the gay tints of our own simple costumes eclipsed the different versions of the Paris fashions about me. I was at home once more, and my heart overflowed with patriotic rapture in this strange land, so remote from ours in everything, that at times Altruria really seems to me the dream which the Americans think it.

I first saw the Fair City by night, from one of the electric launches which ply upon the lagoon; and under the dimmed heaven, in the splendor of the hundred moony arc-lamps of the esplanades, and the myriad incandescent bubbles that beaded the white quays, and defined the structural lines of dome and porch and pediment, I found myself in the midst of the Court of Honor, which you will recognize on the general plan and the photographs I enclose. We fronted the beautiful Agricultural Building, which I think fitly the finest in the city, though many prefer the perfect Greek of the Art building; and on our right was the Administration building with its coroneted dome, and the magnificent sculptured fountain before it, turned silver in the radiance of the clustered electric jets at either side. On our right was the glorious peristyle, serene, pure, silent, lifting a population of statues against the night, and dividing the lagoon from the lake, whose soft moan came appealingly through the pillared spaces, and added a divine heartache to my ecstacy. Here a group of statuary showed itself prominently on quay or cornice; we caught the flamy curve of a bridge's arch; a pale column lifted its jutting prores into the light; but nothing insisted; all was harmonized to one effect of beauty, as if in

symbol of the concentered impulses which had created it. For the moment I could not believe that so foul a thing as money could have been even the means of its creation. I call the effect creation because it is divinely beautiful, but no doubt suggestion would be a better word, since they have here merely sketched in stucco what we have executed in marble in each of our Regionic capitals.

In grandeur of design and freedom of expression, it is perhaps even nobler than the public edifices of some of these, as I had to acknowledge at another moment, when we rounded the shores of the Wooded Island which forms the heart of the lagoon, and the launch slowed while we got the effect of its black foliage against the vast lateral expanse of the Liberal Arts building. Then, indeed, I was reminded of our national capitol, when it shows its mighty mass above the bosks around it, on some anniversary night of our Evolution.

But the illusion of Altruria was very vivid at many moments in the Fair City, where I have spent the happiest days of my stay in America, perhaps because the place is so little American in the accepted sense. It is like our own cities in being a design, the effect of a principle, and not the straggling and shapeless accretion of accident. You will see, from the charts and views I send you, something of the design in detail, but you can form only a dim conception of the skill with which the natural advantages of the site have been turned to account, and even its disadvantages have been transmuted to the beauty which is the highest and last result of all. There was not only the great lake here, which contributes so greatly to this beauty, but there were marshes to be drained and dredged before its pure waters could be invited in. The trees which at different points offer the contrast of their foliage to the white of the edifices, remain from wilding growths which overspread the swamps and sand dunes, and which had to be destroyed in great part before these lovely groves could be evoked from them. The earth itself, which now of all the earth seems the spot best adapted to the site of such a city, had literally to be formed anew for the use it has been put to. There is now no shadow, no hint of the gigantic difficulties of the undertaking, which was carried on in the true Altrurian spirit, so far as the capitalists and artists were concerned, and with a joy like ours in seeing nature yield herself to the enlightened will of man. If I told you how time itself was overcome in this work by the swiftness of modern methods, it would be nothing new to you, for we are used to seeing the powerful machinery of our engineers change the face of the landscape, without stay for the slow processes of other days, when the ax and the saw wrought for years in the destruction of the forests that now vanish in a night. But to the Americans these things are still novel, and they boast of the speed with which the trees were dragged from the soil where they were rooted, and the morasses were effaced, and the wastes of sand made to smile with the verdure that now forms the most enchanting feature of their normal city.

They dwell upon this, and they do not seem to feel as I do the exquisite simplicity with which its life is operated, the perfection with which it is policed, and the thoroughness with which it has been dedicated to health as well as beauty. In fact, I fancy that very few out of the millions who visit this gala town realize that it has its own system of drainage, lighting and transportation, and its own government, which looks as scrupulously to the general comfort and cleanliness, as if these were the private concern of each member of the government. This is, as it is with us, military in form, and the same precision and discipline which give us the ease and freedom of our civic life, proceed here from the same spirit and the same means. The Columbian Guards, as they are called, who are here at every turn, to keep order and to care for the pleasure as well as the welfare of the people, have been trained by officers of the United States army, who still command them, and they are amenable to the rules governing the only body in America whose ideal is not interest but duty. Every night, the whole place is cleansed of the rubbish which the visitors leave behind them, as thoroughly as if it were a camp. It is merely the litter of lunch-boxes and waste paper which has to be looked after, for there is little of the filth resulting in all other American cities from the use of the horse, which is still employed in them so many centuries after it has been banished from ours. The United States mail-carts and the watering-carts are indeed anomalously drawn through the Fair City thoroughfares by horses, but wheeled chairs pushed about by a corps of high school boys and college undergraduates form the means of transportation by land for those who do not choose to walk. On the water, the electric launches are quite of our own pattern, and steam is allowed only on the boats which carry people out into the lake for a view of the peristyle. But you can get this by walking, and as in Venice, which is represented here by a fleet of gondolas, there are bridges that enable you to reach every desirable point on the lagoon.

When I have spoken of all this to my American friends they have not perceived the moral value of it, and when I have insisted upon the practical perfection of the scheme apparent in the whole, they have admitted it, but answered me that it would never do for a business city, where there was something going on besides the pleasure of the eyes and the edification

of the mind. When I tell them that this is all that our Altrurian cities are for, they do not understand me; they ask where the money is made that the people live on in such play cities; and we are alike driven to despair when I try to explain that we have no money, and should think, it futile and impious to have any.

I do not believe they quite appreciate the intelligence with which the Fair City proper has been separated, with a view to its value as an object lesson, from all the state and national buildings in the ground. Some of the national buildings, notably those of Germany and Sweden, are very picturesque, but the rest decline through various grades of inferiority, down to the level of the State buildings. Of these, only the California and the New York buildings have a beauty comparable to that of the Fair City: the California house, as a reminiscence of the Spanish ecclesiastical architecture in which her early history is recorded, and the New York house, as a sumptuous expression of the art which ministers to the luxury of the richest and greatest State of the Union.

By still another remove the competitive life of the present epoch is relegated to the long avenue remotest from the White City, which you will find marked as the Midway Plaisance. Even this, where a hundred shows rival one another in a furious advertisement for the favor of the passer, there is so much of a high interest that I am somewhat loth to instance it as actuated by an inferior principle; and I do so only for the sake of the contrast. In the Fair City, everything is free; in the Plaisance everything must be paid for. You strike at once here the hard level of the outside western world; and the Orient, which has mainly peopled the Plaisance, with its theaters and restaurants and shops, takes the tint of the ordinary American enterprise, and puts on somewhat the manners of the ordinary American hustler. It is not really so bad as that, but it is work than American in some of the appeals it makes to the American public which is decent if it is dull, and respectable if it is rapacious. The lascivious dances of the East are here, in the Persian and Turkish and Egyptian theaters, as well as the exquisite archaic drama of the Javanese and the Chinese in their village and temple. One could spend many days in the Plaisance, always entertainingly, whether profitably or unprofitably; but whether one visited the Samoan or Dahomeyan in his hut, the Bedouin and the Lap in their camps, the delicate Javanese in his bamboo cottage or the American Indian in his tepee, one must be aware that the citizen of the Plaisance are not there for their health, as the Americans quaint say, but for the money there is in it. Some of the reproductions of historic and foreign scenes are excellent, like the irregular square of Old Vienna with its quaintly built and quaintly decorated shops; the German village with its admirably realized castle and chalet; and the Cairene street, with its motley oriental life; but these are all there for the profit to be had from the pleasure of their visitors, who seem to pay as freely as they talk through their noses. The great Ferris wheel itself, with its circle revolving by night and by day in an orbit incomparably vast, is in the last analysis a money-making contrivance.

I have tried to make my American friends see the difference, as I did between the motive that created the Fair City, and the motive that created the Plaisance, but both seem to them alike the outcome of the principle which they still believe animates their whole life. They think both an effect of the competitive conditions in which they glory not knowing that their conditions are now purely monopolistic, and not perceiving that the White City is the work of an armistice between the commercial interests ruling them. I expressed this belief to one of them, the banker, whom I met last summer in the country, and whom I ran upon one night during the first week of my visit here; and he said there could certainly be that view of it. But, like the rest, he asked where the money would have come from without the warfare of competitive conditions, and he said he could not make out how we got the money for our public works in Altruria, or, in fact, how we paid the piper. When I answered that as each one of us was secured by all against want, every one could freely give his labor, without money and without price, and the piper could play for the pure pleasure of playing, he looked stupefied and said incredulously, "Oh, come, now".

"Why, how strange you Americans are," I could not help breaking out upon him, "with your talk about competition! There is no competition among you a moment longer than you can help, a moment after one proves himself stronger than another. Then you have monopoly, which even upon the limited scale it exists here is the only vital and fruitful principle, as you all see. And yet you are afraid to have it upon the largest possible scale, the national scale, the scale commensurate with the whole body politic, which implicates care for every citizen as the liege of the collectivity. When you have monopoly of such proportions money will cease to have any office among you, and such a beautiful creation as this will have effect from a consensus of the common wills and wishes."

He listened patiently, and he answered amiably: "Yes, that is what you Altrurians believe, I suppose, and certainly what you preach; and if you look at it in that light, why there certainly is no competition left, except between the monopolies. But you must

allow, my dear Homos," he went on, "that at least one of the two fetishes of our barbarous worship has had something to do with the creation of all this beauty. I'll own that you have rather knocked the notion of competition on the head; the money that made this thing possible never came from competition at all; it came from some sort or shape of monopoly, as all money always does; but what do you say about individuality? You can't say that individuality has had nothing to do with it. In fact, you can't deny that it has had everything to do with it, from the individuality of the several capitalists, up or down, to the individuality of the several artists. And will you pretend in the face of all this wonderful work that individuality is a bad thing?"

"Have I misrepresented myself and country so fatally," I returned, "as to have led you to suppose that the Altrurians thought individuality a bad thing? It seems to us the most precious gift of the Deity, the dearest and holiest possession of his creatures. What I lament in America at every moment, what I lament even here, in the presence of a work so largely Altrurian in conception and execution as this, is the wholesale effacement, the heartbreaking obliteration of individuality. I know very well that you can give me the name of the munificent millionaires—large-thoughted and noble-willed men—whose largesse made this splendor possible, and the name of every artist they freed to such a glorious opportunity. Their individuality is lastingly safe in your memories; but what of the artisans of every kind and degree, whose patience and skill realized their ideals? Where will you find *their* names?"

My companion listened respectfully, but not very seriously, and in his reply he took refuge in that humor peculiar to the Americans: a sort of ether where they may draw breath for a moment free from the stifling despair which must fill every true man among them when he thinks how far short of their ideal their reality has fallen. For they were once a people with the noblest ideal; we were not mistaken about that; they did, indeed, intend the greatest good to the greatest number, and not merely the largest purse to the longest head. They are a proud people, and it is hard for them to confess that they have wandered from the right way, and fallen into a limitless bog, where they can only bemire themselves more and more till its miasms choke them or its foul waters close over them.

"My dear fellow," the banker laughed, "you are easily answered. You will find *their* names on the pay-rolls, where, I've no doubt, they preferred to have them. Why, there was an army of them; and we don't erect monuments to private soldiers, except in the lump. How would you have managed it in Altruria?"

"In Altruria," I replied, "every man who drove a nail, or stretched a line, or laid a trowel upon such a work, would have had his name somehow inscribed upon it, where he could find it, and point it out to those dear to him and proud of him. Individuality! I find no record of it here, unless it is the individuality of the few. That of the many makes no sign from the oblivion in which it is lost, either in these public works of artistic cooperation, or the exhibits of your monopolistic competition. I have wandered through these vast edifices and looked for the names of the men who wrought the marvels of ingenuity that fill them. But I have not often found the name even of a man who owns them. I have found the styles of the firms, the companies, the trusts which turn them out as impersonally as if no heart had ever ached or glowed in imagining and embodying them. This whole mighty industrial display is in so far dehumanized; and yet you talk of individuality as one of your animating principles!"

"You are hopelessly unbusinesslike, my dear Homos," said the banker, "but I like your unpracticability. There is something charming in it; there is, really; and I enjoy it particularly at this moment because it has enabled me to get back my superiority to Chicago. I am a Bostonian, you know, and I came out here with all the misgivings which a Bostonian begins to secrete as soon as he gets west of the Back Bay Fens. It is a survival of Puritanism in us. In the old times, you know, every Bostonian, no matter how he prayed and professed, felt it in his bones that he was one of the elect, and we each feel so still; only, then God elected us, and now we elect ourselves. Fancy such a man confronted with such an achievement as this, and unfriended yet by an Altrurian traveller! Why, I have gone about the last three days inwardly bowed down before Chicago in the most humiliating fashion. I've said to myself that our eastern fellows did half the thing, perhaps the best half; but then I had to own it was Chicago that imagined letting them do it, that imagined the thing as a whole, and I had to give Chicago the glory. When I looked at it I had to forgive Chicago, but now that you've set me right about the matter, and I see that the whole thing is dehumanized, I shall feel quite easy, and I shall not give Chicago any more credit than is due."

I saw that he was joking, but I did not see how far, and I thought it best not to take him in joke at all. "Ah, I don't think you can give her too much credit, even if you take her at the worst. It seems to me, from what I have seen of your country—and, of course, I speak from a foreigner's knowledge only—that no other American city could have brought this to pass."

"You must come and stay with us a while in Boston," said the banker; and he smiled. "One other city could have done it. Boston has the public spirit and Boston has the money, but perhaps Boston has not the ambition. Perhaps we give ourselves in Boston too much to a sense of the accomplished fact. If that is a fault, it is the only fault conceivable of us. Here in Chicago they have the public spirit, and they have the money, and they are still anxious to do; they are not content as we are, simply to be. Of course, they have not so much reason! I don't know," he added thoughtfully, "but it comes in the end to what you were saying, and no other American city but Chicago *could* have brought this to pass. Leaving everything else out of the question, I doubt if any other community could have fancied the thing in its vastness; and the vastness seems an essential condition of the beauty. You couldn't possibly say it was pretty, for instance; if you admitted it was fine you would have to say it was beautiful. To be sure, if it were possible to have too much of a good thing, there are certain states of one's legs, here, when one could say there was too much of it; but that is not possible. But come, now; be honest for once, my dear fellow, and confess that you really prefer the Midway Plaisance to the Fair City!"

I looked at him with silent reproach, and he broke out laughing, and took me by the arm.

"At any rate," he said, "let us go down there, and get something to eat. "The glory that was Greece, and the grandeur that was Rome,' here, take it out of you so that I find myself wanting lunch about every three hours. It's nearly as long as that now, since I've dined, and I feel an irresistible yearning for Old Vienna, where that pinchbeck halberdier of a watchman is just now crying the hour of nine."

"Oh, is it so late as that?" I began, for I like to keep our Altrurian hours even here, when I can, and I was going to say that I could not go with him when he continued:

"They won't turn us out, if that's what you mean. Theoretically, they do turn people out toward the small hours, but practically, one can stay here all night, I believe. That's a charming thing about the Fair, and I suppose it's rather Chicagoan; if we'd had the Fair in Boston, every soul would have had to leave before midnight. We couldn't have helped turning them out, from the mere oldmaidishness of our Puritanic tradition, and not because we really minded their staying. In New York they would have put them out from Keltic imperiousness, and locked them up in the station-house when they got them out, especially if they were sober and inoffensive."

I could not follow him in this very well, or in the playful allusiveness of his talk generally, though I have reported it, to give some notion of his manner; and so I said, by way of bringing him within easy range of my intelligence again, "I have seen no one here who showed signs of drink."

"No," he returned. "What a serious, and peaceable, and gentle crowd it is! I haven't witnessed a rudeness, or even an unkindness, since I've been here, and nobody looks as if anything stronger than apollinaris had passed his lips for a fortnight. They seem, the vast majority of them, to pass their time in the Fair City, and I wish I could flatter myself that they preferred it, as you wish me to think, you do, to the Plaisance. Perhaps they are really more interested in the mechanical arts, and even the fine arts, than they are in the muscle dances, but I'm afraid it's partly because there isn't an additional charge for admission to those improving exhibits in the official buildings. Though I dare say that most of the hardhanded folks here, are really concerned in transportation and agricultural implements to a degree that it is difficult for their more cultivated fellow-countrymen to conceive of. Then, the merely instructive and historical features must have an incredible lot to say to them. We people who have had advantages, as we call them, can't begin to understand the state that most of us come here in, the state of enlightened ignorance, as one may call it, when we know how little we know, and are anxious to know more. But I congratulate you, Homos, on the opportunity you have to learn America personally, here; you won't easily have such another chance. I'm glad for your sake, too, that it (the crowd) is mainly a western and south-western crowd, a Mississippi Valley crowd. You can tell it by their accent. It's a mistake to suppose that New England has a monopoly of the habit of speaking through the nose. We may have invented it, but we have imparted it apparently to the whole west, as the Scotch-Irish of Pennsylvania have lent the twist of their 'r,' and the combined result is something frightful. But it's the only frightful thing about the westerners, as I find them here. Their fashions are not the latest, but they are not only well behaved, they are on the average pretty well dressed, as the clothing store and the paper pattern dress our people. And, they look pathetically good! When I think how hard-worked they all are, and what lonely lives most of them live on their solitary farms, I wonder they don't descend upon me with the whoop of savages. You're very fond of equality, my dear Homos! How do you like the equality of the American effect here? It's a vast level, as unbroken as the plains that seemed to widen as I came over them in the cars to Chicago, and that go widening on, I suppose, to the sunset itself. I won't speak of the people, but I *will* say the plains were dreary."

"Yes," I assented, for those plains had made me melancholy, too. They looked so habitable, and they were so solitary, though I could see that they were broken by the lines of cultivated fields, which were being plowed for wheat, or were left standing with their interminable ranks of maize. From time to time one caught sight of a forlorn farmstead, with a windmill beside it, making helpless play with its vanes as if it were vainly struggling to take flight from the monotonous landscape. There was nothing of the cheerfulness of our Altrurian farm villages; and I could understand how a dull uniformity of the human type might result from such an environment, as the banker intimated.

I have made some attempts, here, to get upon speaking terms with these average people, but I have not found them conversible. Very likely they distrusted my advances, from the warnings given them to beware of imposters and thieves at the Fair; it is one of the necessities of daily life in a competitive civilization, that you must be on your guard against strangers lest they cheat or rob you. It is hard for me to understand this, coming from a land where there is no theft and can be none, because there is no private property, and I have often bruised myself to no purpose in attempting the acquaintance of my fellow-visitors of the Fair. They never make any attempt at mine; no one has asked me a favor, here, or even a question; but each remains bent, in an intense preoccupation, upon seeing the most he can in the shortest time for the least money. Of course, there are many of the more cultivated visitors, who are more responsive, and who show themselves at least interested in me as a fellow-stranger; but these, though they are positively many, are, after all, relatively few. The vast bulk, the massed members of that immense equality which fatigued my friend, the banker, by its mere aspect, were shy of me, and I do not feel that I came to know any of them personally. They strolled singly, or in pairs, or by family groups, up and down the streets of the Fair City, or the noisy thoroughfare of the Plaisance, or through the different buildings, quiescent, patient, inoffensive, but reserved and inapproachable, as far as I was concerned. If they wished to know anything they asked the guards, who never failed in their duty of answering them fully and pleasantly.

The people from the different states visited their several State buildings, and seemed to be at home, there, with that instinctive sense of ownership which every one feels in a public edifice, and which is never tainted with the greedy wish to keep others out. They sat in long rows on the benches that lined the avenues, munching the victuals they had mostly brought with them in the lunch-boxes which strewed the place at nightfall, and were gathered up by thousands in the policing of the grounds. If they were very luxurious, they went to the tables of those eating-houses where, if they ordered a cup of tea or coffee, they could spread out the repast from their boxes and enjoy it more at their ease. But in none of these places did I see any hilarity in them, and whether they thought it unseemly or not to show any gayety, they showed none. They were peacefully content within the limits of their equality, and where it ended, as from time to time it must, they betrayed no discontent. That is what always astonishes me in America. The man of the harder lot accepts it unmurmuringly and with no apparent sense of injustice in the easier lot of another. He suffers himself, without a word, to be worse housed, worse clad, worse fed, than his merely luckier brother, who could give him no reason for his better fortune that an Altrurian would hold valid. Here, at the Fair, for example, on the days when the German village is open to the crowd without charge, the crowd streams through without an envious glance at the people dining richly and expensively at the restaurants, with no greater right than the others have to feed poorly and cheaply from their paper boxes. In the Plaisance, weary old farmwives and delicate women of the artisan class make way uncomplainingly for the ladies and gentlemen who can afford to hire wheeled chairs. As meekly and quietly they loiter by the shores of the lagoon and watch those who can pay to float upon their waters in the gondolas and electric launches. Everywhere the economic inequality is as passively accepted as if it were a natural inequality, like difference in height or strength, or as if it were something of immemorial privilege, like birth and title in the feudal countries of Europe. Yet, if one of these economically inferior Americans were told that he was not the peer of any and every other American, he would resent it as the grossest insult, such is the power of the inveterate political illusion in which the nation has been bred.

The banker and I sat long over our supper, in the graveled court of Old Vienna, talking of these things, and enjoying a bottle of delicate Rhenish wine under the mild September moon, not quite put out of countenance by the electric lamps. The gay parties about us broke up one after another, till we were left almost alone, and the watchman in his medieval dress, with a halberd in one hand, and a lantern in the other, came round to call the hour for the last time. Then my friend beckoned to the waiter for the account, and while the man stood figuring it up, the banker said to me: "Well, you must come to Boston a hundred years hence, to the next Columbian Fair, and we will show you every body trundled about and fed at the public expense. I suppose that's what you would like to see?"

"It is what we always see in Altruria," I answered, "I haven't the least doubt it will be so with you in much less than a hundred years."

The banker was looking at the account the waiter handed him. He broke into an absent laugh, and then said to me, "I beg your pardon! You were saying?"

"Oh, nothing," I answered, and then, as he took out his pocket-book to pay, he laid the bill on the table, and I could not help seeing what our little supper had cost him. It was twelve dollars; and I was breathless; it seemed to be that two would have been richly enough.

"They give you a good meal here, don't you think?" he said. "But the worst of having dined or supped well is reflecting that if you hadn't you could have given ten or twelve fellows, who will have to go to bed supperless, a handsome surfeit; that you could have bought twenty-five hungry men a full meal each; that you could have supplied forty-eight with plenty; that you could have relieved the famine of a hundred and twenty-four. But what is the use? If you think of these things you have no peace of your life!"

I could not help answered, "We don't have to think of them in Altruria."

"Ah, I dare say," answered the banker, as he tossed the waiter a dollar, and we rose and strolled out into the Plaisance. "If all men were unselfish, I should agree with you that Altrurianism was best."

"You can't have unselfishness till you have Altrurianism," I returned. "You can't put the cart before the horse."

"Oh, yes, we can," he returned in his tone of banter. "We always put the cart before the horse in America, so that the horse can see where the cart is going."

We strolled up and down the Plaisance, where the crowd had thinned to a few stragglers like ourselves. Most of the show villages were silenced for the night. The sob of the Javanese water-wheel was hushed; even the hubbub of the Chinese theater had ceased. The Samoans slept in their stucco huts, the Bedouins were folded to slumber in their black tents. The great Ferris wheel hung motionless with its lamps like a planetary circle of fire in the sky. It was a moment that invited to musing, that made a tacit companionship precious. By an impulse to which my own feeling instantly responded, my friend passed his arm through mine.

"Don't let us go home at all! Let us go over and sleep in the peristyle. I have never slept in a peristyle, and I have a fancy for trying it. Now, don't tell me you always sleep in peristyles in Altruria!"

I answered that we did not habitually, at least, and he professed that this was some comfort to him; and then he went on to talk more seriously about the Fair, and the effect that it must have upon American civilization. He said that he hoped for an aesthetic effect from it, rather than any fresh impulse in material enterprise, which he thought the country did not need. It had inventions enough, millionaires enough, prosperity enough; the great mass of the people lived as well and travelled as swiftly as they could desire. Now what they needed was some standard of taste, and this was what the Fair City would give them. He thought that it would at once have a great influence upon architecture, and sober and refine the artists who were to house the people; and that one might expect to see everywhere a return to the simplicity and beauty of the classic forms, after so much mere wandering and maundering in design, without authority of authenticity.

I heartily agreed with him in condemning the most that had yet been done in architecture in America, but I tried to make him observe that the simplicity of Greek architecture came out of the simplicity of Greek life, and the preference given in the Greek state to the intellectual over the industrial, to art over business. I pointed out that until there was some enlightened municipal or national control of the matter, no excellence of example could avail, but that the classicism of the Fair City would become, among a willful and undisciplined people a fad with the rich and a folly with the poor, and not a real taste with either class. I explained how with us the state absolutely forbade any man to aggrieve or insult the rest by the exhibition of his ignorance in the exterior of his dwelling, and how finally architecture had become a government function, and fit dwellings were provided for all by artists who approved themselves to the public criticism. I ventured so far as to say that the whole competitive world, with the exception of a few artists, had indeed lost the sense of beauty, and I even added that the Americans as a people seemed never to have had it at all.

He was not offended, as I had feared he might be, but asked me with perfect good nature what I meant.

"Why, I mean that the Americans came into the world too late to have inherited that influence from the antique world which was lost even in Europe, when in Medieval times the picturesque barbarously substituted inself for the beautiful, and a feeling for the quaint grew up in place of love for the perfect."

"I don't understand, quite," he said, "but I'm interested. Go on!"

"Why," I went on, "I have heard people rave over the beauty of the Fair City, and then go and rave over the beauty of the German village, or of Old Vienna, in the Plaisance. They were cultivated people, too; but they did not seem to know that the reproduction of a feudal castle or of a street in the taste of the middle ages, could not be beautiful, and could at the best be only picturesque. Old Vienna is no

more beautiful than the Javanese village, and the German village outrivals the Samoan village only in its greater adaptability to the purposes of the painter. There is in your modern competitive world very little beauty anywhere, but there is an abundance of picturesqueness, of forms that may be reflected upon canvas, and impart the charm of their wild irregularity to all who look at the picture, though many who enjoy it there would fail of it in a study of the original. I will go so far as to say that there are points in New York, intrinsically so hideous that it makes me shudder to recall them—"

"*Don't* recall them!" he pleaded.

"Which would be much more capable of pictorial treatment than the Fair City, here," I continued. We had in fact got back to the Court of Honor, in the course of our talk, which I have only sketched here in the meagerest abstract. The incandescent lamps had been quenched, and the arc-lights below and the moon above flooded the place with one silver, and the absence of the crowds that had earlier thronged it, left it to a solitude indescribably solemn and sweet. In that light, it was like a ghost of the antique world witnessing a loveliness lost to modern times everywhere but in our own happy country.

I felt that silence would have been a fitter tribute to it than any words of mine, but my companion prompted me with an eager, "Well!" and I went on.

"This beauty that we see there is not at all picturesque. If a painter were to attempt to treat it picturesquely, he must abandon it in despair, because the charm of the picturesque is in irregularity, and the charm of the beautiful is in symmetry, in just proportion, in equality. You Americans do not see that the work of man, who is the crown of animate life, can only be beautiful as it approaches the regularity expressive of beauty in that life. Any breathing thing that wants perfect balance of form or feature is in so far ugly; it is offensive and ridiculous, just as a perfectly balanced tree or hill would be. Nature is picturesque, but what man creates should be beautiful, or else it is inferior. Since the Greeks, no people have divined this but the Altrurians, until now; and I do not believe that you would have begun to guess at it as you certainly have here, but for the spread of our ideas among you, and I do not believe this example will have any lasting effect with you unless you become Altrurianized. The highest quality of beauty is a spiritual quality."

"I don't know precisely how far I have followed you," said my companion, who seemed struck by a novelty in truisms which are so trite with us, "but I certainly feel that there is something in what you say. You are probably right in your notion that the highest quality of beauty is a spiritual quality, and I should like very much to know what you think that spiritual quality is here."

"The quality of self-sacrifice in the capitalists who gave their money, and in the artists who gave their talent without hope of material return, but only for the pleasure of authorizing and creating beauty that shall last forever in the memory of those it has delighted."

The banker smiled compassionately.

"Ah, my dear fellow, you must realize that this was only a spurt. It could be done once, but it couldn't be kept up."

"Why not?" I asked.

"Because people have got to live, even capitalists and artists have got to live, and they couldn't live by giving away wealth and giving away work, in our conditions."

"But you will change the conditions!"

"I doubt it," said the banker with another laugh. One of the Columbian guards passed near us, and faltered a little in his walk. "Do you want us to go out?" asked my friend.

"No," the young fellow hesitated. "Oh no!" and he continued his round.

"He hadn't the heart to turn us out," said the banker, "he would hate so to be turned out himself. I wonder what will become of all the poor fellows who are concerned in the government of the Fair City when they have to return to earth! It will be rough on them." He lifted his head, and cast one long look upon the miracle about us. "Good heavens!" he broke out, "and when they shut up shop, here, will all this beauty have to be destroyed, this fabric of a vision demolished? It would be infamous, it would be sacrilegious! I have heard some talk of their burning it, as the easiest way, the only way of getting rid of it. But it mustn't be, it can't be."

"No, it can't be," I responded fervently. "It may be rapt from sight in the flames like the prophet in his chariot of fire; but it will remain still in the hearts of your great people. An immortal principle, higher than use, higher even than beauty, is expressed in it, and the time will come when they will look back upon it, and recognize in it the first embodiment of the Altrurian idea among them, and will cherish it forever in their history, as the earliest achievement of a real civic life."

I believe this, my dear Cyril, and I leave it with you as my final word concerning the great Columbian Fair.

*Yours in all brotherly affection,*
*A. Homos.*

### Selected Bibliography

The following books represent various approaches to the study of American culture in the late nineteenth century. The list is by no means exhaustive, or of uniform quality throughout. Nevertheless, almost all these works are suggestive and should be helpful to anyone concerned with this period.

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## THE REPUBLIC OF THE FUTURE

### Anna Bowman Dodd

### New York Socialistic City

*December 1st, 2050 A.D.*

*Dear Hannevig:*

At last, as you see, my journey is safely accomplished, and I am fairly landed in the midst of this strange socialistic society. To say that I was landed, is to make use of so obsolete an expression that it must entirely fail to convey to you a true idea of the processes of the journey. Had I written—I was safely *shot* into the country—this would much more graphically describe to you the method of my arrival.

You may remember, perhaps, that before starting I found myself in very grave doubt as to which route to take—whether to come by balloon or by tunnel. As the latter route would enable me to enjoy an entirely novel spectacle, that of viewing sub-marine scenery, I chose, and wisely I now know, to come by the Pneumatic Tube Electric Company. The comforts and luxuries of this sub-marine route are beyond belief. The perfection of the contrivances for supplying hot and cold air, for instance, during the journey, are such that the passengers are enabled to have almost any temperature at command. The cars are indeed marked 70° Fahr., 80° and 100°. One buys one's seat according to his taste for climate. Many of the travellers, I noticed, booked themselves for the bath department, remaining the entire journey in the Turkish, Russian, vapor or plunge department—as the various baths attached to this line surpass a Roman voluptuary's dream of such luxuries. I, however, never having been through the great tunnel before, was naturally more interested in what was passing so swiftly before my eyes. The speed at which we were shot was terrific—five miles to the minute—making the journey of three thousand miles just ten hours long. In spite of the swiftness of our transit, we were enabled by the aid of the instantaneous photographic process, as applied to opera-glasses and telescopes, to feel that we lost nothing by the rapidity of our meteor-like passage. I was totally unprepared for the beauties and the novelties which met my eye at every turn. The sightseers' car is admirably arranged. Fancy being able to take in all the wonders of ocean-land through large glass port-holes in the concave sides of circular cars. The tube itself, which is of iron, enormously thick, has glass sides, also of huge thickness, running parallel with the windows of the car so that the view is unobstructed. The sensations awakened, therefore, both by the novelty of the situation and by the wonders we passed in review, combined to make the journey thrillingly exciting. We were swept, for instance, past armies of fishes, beautiful to behold in such masses, shimmering in their opalescent armor as they rose above, or sank out of sight into the

depths below. The sudden depressions and abrupt elevations of the sea-level made the scenery full of diversity. There was a great abundance of color, with the vivid crimson of the coralline plants and the delicate pinks and yellows of the many varieties of the sub-marine flora. It seemed at times as if we were caught in a liquid cloud of amber, or were to be enmeshed in a grove of giant sea-weeds.

Beyond all else, however, in point of interest, was the spectacle of the wholesale cannibalism going on among the finny tribes, a cannibalism which still exists, in spite of the persistent and unwearying exertions of the numerous Societies for the Prevention of Cruelty among Cetacea and Crustacea. We passed any number of small boats darting in and out among the porpoises, dolphins and smaller fish, delivering supplies (of proper Christian food) and punishing offenders. A sub-marine missionary, who chanced to sit next to me, told me that of all vertebrate or invertebrate animals, the fish is the least amenable to reformatory discipline; fishes appear to have been born, he went on to say, without the most rudimentary form of the moral instinct, and, curiously enough, only flourish in proportion as they are allowed to act out their original degenerate nature. He also confessed privately to me, that after some twenty-five years active work among them, the results of his labors were most discouraging. Since, however, the Buddhistic doctrine of metempsychosis has come to be so universally accepted, and as each one of these poor creatures is in reality a soul in embryo, it behoves mankind to do all that lies in its power to elevate all tribes and species.

As you may well imagine, my dear Hannevig, with such spectacles and speculations to enliven the journey, I found it all too short. Its shortness was, in truth, the only drawback to my complete enjoyment. The wonders of the journey, I found, were, however, only a fitting prelude to the surprises that awaited me on my arrival. I leave an account of both these surprises and of my first impressions of the great city until my next letter, as this one, I find, has already grown to the proportions of an ancient epistle.

I am, my dear Hannevig,

Your life-long friend and comrade,

*Wolfgang.*

*Dear Hannevig:*

The three days' time which has elapsed since my last letter to you, has been so crowded with a confusion of bewildered impressions produced by this astonishing city and its still more astonishing inhabitants, that I am in doubt whether I shall be able to convey to you any clearer pictures than those which fill the disordered canvas of my own mind. I will, however, strive to reproduce my experiences in the order in which they came to me, and allow you to draw your own conclusions.

The first amazing thing that happened to me was the way in which I reached my hotel. Fancy being blown up on the shore, for the pneumatic tube being many hundreds of feet below the shore level, we were literally blown up on the beach; there we found air-balloon omnibuses, into which we and our luggage were transported by means of little electric cars, running on an inclined plane. The balloon rose about a thousand feet into the air, affording a fine view of the city. Great is not a large enough word to describe so vast a city as the city of the Socialists—it has the immensity of an unending plain, and the flatness of one also. In former times, I believe, the original city was an island, on either side of which flowed a river, but as more and more land became necessary new channels for these rivers were dug, and the river-bed filled in, so that now, as far as the eye can reach, there is a limitless expanse of roof-tops.

As seen from an aerial elevation, there was nothing to attract the eye from the picturesque standpoint—there were few large buildings of noticeable size or beauty. The city was chiefly remarkable because of its immensity. When landed at my hotel I found these first impressions confirmed by a nearer view.

First let me tell you, however, that after entering the vestibule of the hotel, I felt as if I had stepped into some dwelling of gnomes or sprites. Not a human being presented himself. No one appeared to take my luggage, nor was a clerk or hall boy visible anywhere. The great hall of the hotel was as deserted and silent as an empty tomb; at first I could not even discover a bell. Presently, however, I saw a huge iron hand pointing to an adjacent table. On the table lay a big book with a placard on which was printed, *"Please write name, country, length of stay and number of rooms desired."* All of which I did. The book then miraculously closed itself and disappeared! The next instant a tray made its appearance where the book had been, on the tray was a key, and on the key a tag with a number and the words, *"Take elevator at your left to third flight."* The elevator as I stepped into it, stopped as if by magic at the third story, when another iron hand shot out of the wall, pointing me to the left. Soon I found the room assigned me, opened it, and entered to discover the apartment in complete order, and the faucets in the bath-chamber actually turned on!

My dear Hannevig, can you believe me when I tell you that I have been in this hotel four mortal days, have eaten three substantial meals a day, have been fairly comfortable, and yet have not seen a human creature, from a landlord to a servant? The whole

establishment apparently is run by machinery. There is a complicated bell apparatus which you ring for every conceivable want or need. Meals are served in one's own room, by a system of ingenious sliding shelves, which open and shut, and disappear into the wall in the most wizard-like manner. Of course the reason of all these contrivances is obvious enough. In a society where labor of a degrading order is forbidden by law, machinery must be used as its substitute. It is all well enough, I presume, from the laborer's point of view. But for a traveller, bent on a pleasure trip, machinery as a substitute for a garrulous landlord, and a score of servants, however bad, is found to be a poor and somewhat monotonous companion. I amuse myself, however, with perpetually testing all the bells and the electrical apparatus, calling for a hundred things I don't want, to see whether they will come through the ceiling or up the floor.

Most of my time, however, is spent in the streets. My earlier impressions of the city I find remain unchanged. It is as flat as your hand and as monotonous as a twice-told tale. Never was there such monotony or such dulness. Each house is precisely like its neighbor; each house has so many rooms, so many windows, so many square feet of garden, which latter no one cultivates, as flowers and grass entail a certain amount of manual labor, which, it appears, is thought to be degrading by these socialists. Imagine, therefore, miles upon miles of a city composed of little two-story houses as like one unto another as two brown nuts. There are parks and theatres and museums, and libraries, the Peoples' Clubs, and innumerable state buildings; but these are all architecturally tasteless, as utility has been the only feature considered in their construction. Every thing here, from the laying out of the city to the last detail concerning the affairs of commerce or trade is arranged according to the socialistic principle—by the people for the People. The city itself was rebuilt a hundred years ago, in order that the houses and the public buildings might be in more fitting harmony with the new order and principles of Socialism. What the older City of New York may have been, it is difficult to determine, although it is supposed to have been ugly enough. But this modern city is the very acme of dreariness. It is the monotony I think, which chiefly depresses me. It is not that the houses do not seem comfortable, clean and orderly, for all these virtues they possess. But fancy seeing miles upon miles of little two-story houses! The total lack of contrast which is the result of the plan on which this socialistic city has been built, comes, of course, from the principle which has decreed that no man can have any finer house or better interior, or finer clothes than his neighbor. The abolition of poverty, and the raising of all classes to a common level of comfort and security, has resulted in the most deadening uniformity. Take for example, the aspect of the shop windows. All shops are run by the government on government capital; there is, consequently, neither rivalry nor competition. The shop keepers, who are in reality only clerks and salesmen under government jurisdiction, take naturally, no personal or vital interest either in the amount of goods sold, or in the way in which these latter are placed before the public. The shop-windows, therefore, are as uninviting as are the goods displayed; only useful, necessary objects and articles are to be seen. The eye seeks in vain throughout the length and breadth of the city for any thing really beautiful, for the lovely, or the rare. Objects of art and of beauty find, it seems, no market here. Occasionally the Government makes a purchase of some foreign work of art, or seizes on some of those recently excavated from the ruins of some 19th century merchant's palace. The picture or vase is then placed in the museums, where the people are supposed to enjoy its possession.

To connect the word enjoyment with the aspect of these serious socialists is almost laughable. A more sober collection of people I never beheld. They are as solemn as the oldest and wisest of owls. They have the look of people who have come to the end of things and who have failed to find it amusing. The entire population appear to be eternally in the streets, wandering up and down, with their hands in their pockets, on the lookout for something that never happens. What indeed, is there to happen? Have they not come to the consummation of everything, of their dreams and their hopes and desires? A man can't have his dream and dream it too. Realization has been found before now, to be exceedingly dull play.

As it is, I am free to confess, that the dulness and apathy of these ideally-perfect socialists weighs on me. My views of their condition may change when I come to know them better.

It is late and I must close.

*Ever yours, W.*

*Dear Friend:*

Curiously enough, my dear fellow, the very next day after dispatching my last, I found myself involved in a long and most interesting conversation with the daughter of one of the city residents. I had brought letters of introduction to a certain gentleman, and after a search of some hours through the eternal labyrinth of these unending streets, found the house to which I had been directed. The gentleman, or rather citizen, as all men are called here, was not at home. I was, however, received by his daughter, a plain but seemingly agreeable, intelligent young woman. The women dress so exactly like the men in this country

that it is somewhat difficult to tell the sexes apart. Women, however, usually betray themselves as soon as they speak, by their voices.

This young lady had an unusually pleasant voice and manner, and we were soon deep in the agreeable intricacies of a lengthy conversation. I had any number of questions to ask, and she appeared to be most willing to answer them.

My first question, I remember, was an eminently practical one. It was on the subject of chimneys and cooking. I had noticed almost immediately on my arrival that, throughout the entire city, not a chimney was to be seen. It was this fact more than any other that gave the city the appearance of a plain, and made the houses seem curiously deformed. It naturally followed that, there being no chimneys, there was also no smoke, which therefore made this already sufficiently clear atmosphere as pure as the air on a mountain-top. All very beautiful, I said to myself, but how do the people get along without cooking? I, in my quality of stranger and foreigner, had made the interesting discovery that my own meals were prepared to my taste by specially appointed State cooks—a law only recently passed to facilitate international relations. The latter, it appears, had become somewhat strained, when travelers had found themselves forced to abide by the rules and regulations governing the socialists' diet. But what was this diet? This was the mystery which had been puzzling me ever since my arrival. When therefore I found myself face to face with my young lady, I promptly implored her to solve my dilemma. "Oh," she replied, "cooking has gone out long ago. To do any cooking is considered dreadfully old-fashioned."

"Has eating also gone out of fashion in this wonderful country?" I asked in amazement.

She laughed as she replied, "Eating hasn't, but we do it in a more refined way. Instead of kitchens we now have conduits, culinary conduits."

"Culinary conduits?" I asked, still in a daze of wonderment.

"Oh, I see you don't understand," she answered; "you haven't been here long enough to know how such things are arranged. Let me explain. The State scientists now regulate all such matters. Once a month our Officer of Hygiene comes and examines each member of the household. He then prescribes the kind of food he thinks you require for the next few weeks, whether it shall be more or less phosphates, or cereals, or carnivorous preparations. He leaves a paper with you. You then touch this spring—see?" and here she put her pretty white finger on a button in the wall. "You whistle through the aperture to the Culinary Board, put in the paper, and it is sent to the main office. You then receive supplies for the ensuing month."

"And where is this wonderful board?"

"It is in Chicago, where all the great granaries are. You know Chicago supplies the food for the entire United Community."

"But Chicago is a thousand miles off. Isn't all the food stale by the time it reaches you?"

Here she laughed, although I could see she tried very hard not to do so. But my ignorance was evidently too amazingly funny. When she had regained composure she answered: "The food is sent to us by electricity through the culinary conduits. Everything is blown to us in a few minutes' time, if it be necessary, if the food is to be eaten hot. If the food be cereals or condensed meats, it is sent by pneumatic express, done up in bottles or in pellets. All such food is carried about in one's pocket. We take our food as we drink water, wherever we may happen to be, when it's handy and when we need it. Although," she added with a sigh, "I sometimes do wish I had lived in the good old times, in the nineteenth century, for instance, when such dear old-fashioned customs were in vogue as having four-hour dinners and the ladies were taken into dinner by the gentlemen and every one wore full dress—the dress of the period, and they used to flirt—wasn't that the old word? over their wine and dessert. How changed everything is now! However," she quickly added, "if kitchens and cooking and long dinners hadn't been abolished, the final emancipation of women could never have been accomplished. The perfecting of the woman movement was retarded for hundreds of years, as you know, doubtless, by the slavish desire of women to please their husbands by dressing and cooking to suit them. When the last pie was made into the first pellet, woman's true freedom began. She could then cast off her subordination both to her husband and to her servants. Women were only free, indeed, when the State prohibited the hiring of servants. Of course, the hiring of servants at all was as degrading to the oppressed class as it was a clog to the progress of their mistresses' freedom. The only way to raise the race was to put every one on the same level, to make even degrees of servitude impossible."

"But how, may I be permitted to ask, is the rest of the housework accomplished, if no servants exist to take charge of so pretty a house as this one?" (The house, my dear Hannevig, was in reality hideous, as bare and as plain as are all the houses here. Each is furnished by state law, exactly alike).

"Oh, everything is done by machinery, as at your hotel. Everything, the sweeping, bed making, window scrubbing and washing. Each separate department has its various appliances and apparatus. The women of every household are taught the use and management

of the various machines, you know, at the expense of the state, during their youth; when they take the management of a house they can run it single-handed. Most of the machinery goes by electricity. A house can be kept in perfect order by two hours' work daily. The only hard work which we still have to do is dusting. No invention has yet been effected which dusts satisfactorily without breakage to ornaments, which accounts for the fact, also, that the fashion of having odds and ends about a home has gone out. It was voted years ago by the largest womans' vote ever polled, that since men could not invent self-adjusting, non-destructive dusters, their homes must suffer. Women were not to be degraded to hand machines for the sake of ministering to men's aesthetic tastes. So you see we have only the necessary chairs and tables. If men want to see pictures they can go to the museums."

Perhaps it is this latter fact which accounts for my never being able to find the good citizen A——at home. He is gone to the public club or to the bath, or to the Communal Theater, I am told, when I appear again and again. This wonderful community has done much, of that I am convinced, in the development of ideal freedom; but there appears to be a fatal blight somewhere in its principles, a blight which seems to have destroyed all delight in domestic life. In my next I will tell you more and at length, of the peculiar development which the race has attained under these now well-established emancipation doctrines, and of their results on the two sexes.

I hope you are not wearying of my somewhat lengthy descriptions, but you yourself are to blame, as you bound me to such rigid promises of detail and accuracy.

Farewell, dear companion, would you were here to use your wiser philosopher's eyes.

*I am yours. Wolfgang.*

*Dear Friend:*

No one thing, I think, strikes the foreigner's eye, on his arrival in this extraordinary land so strongly as does the lack of variety and of taste displayed in the dress of either the men or the women. Both sexes dress, to begin with, as I said in my last, precisely alike. As it is one of the unwritten social laws of the people to dress as simply, economically and sensibly as possible, it results that there is neither brightness nor color nor beauty of line in any of the garments worn. In passing Government Clothing Distribution Bureaus, nothing so forcibly suggests the ideal equality existing between the sexes, as does the sight of the big and the little trowsers, hanging side by side, quite unabashed, the straight and the baggy legs being the only discernible difference. Baggy trowsers and a somewhat long, full cloak for the women—straight-legged trowsers and a shorter coat for the men, this is the dress of the entire population. Some of the women are still pretty, in spite of their hideous clothes. But they all tell me, they wouldn't be if they could help it, as they hold that the beauty of their sex was the chief cause of their long-continued former slavery; they consider comeliness now as a brand and mark of which to be ashamed. From what I have been able to observe, however, I should say that the prettiness which has descended to some of the women fails to awaken any old-time sentiment or gallantry on the part of the men. There has, I learn, been a gradual decay of the erotic sentiment, which doubtless accounts for the indifference among the men; a decay which is due to the peculiar relations brought about by the emancipation of woman.

It is now nearly two hundred years since women have enjoyed the same freedom and rights as men. It is interesting and curious to note the changes, both upon the character and nature of the two sexes, which has been the result of this development. One's first impression, in coming here, is that women are the sole inhabitants of the country. One sees them everywhere in all the public offices, as heads of departments, as government clerks, as officials, as engineers, machinists, aeronauts, tax collectors, firemen, filling, in fact, every office and vocation in civil, political and social life. The few men—by comparison, whom I saw seemed to me to be allowed to exist as specimen examples of a fallen race. Of course, this view is more or less exaggeration. But the women here do appear to possess by far the most energy, vigor, vitality and ambition. Their predominance in office just now is owing to their over-powering number, the women's vote polled being ten to one over that of the men. This strong sex influence has been fruitful in greatly changing and modifying the domestic, social and political laws of the community.

Women, for instance, having satisfactorily emancipated themselves from the bondage of domestic drudgery and the dominion of servants, by means of the improvement in machinery and the invention of the famous culinary conduits, found one obstacle still in their path to complete and co-equal man-freedom. There still remained the children to be taken care of an brought up. As motherhood came in course of time to be considered in its true light, as perhaps the chief cause of the degradation of women, it was finally abolished by act of legislature. Women were still to continue to bear children, or else the socialistic society itself would cease to be. A law was passed providing that children almost immediately after birth, should be brought up, educated and trained under state direction to be returned to their parents when

fully grown, and ready for their duties as men and women citizens. In this way women stand at last on as absolutely equal a physical plane with men as it is possible to make them.

It has followed, of course, that with the jurisdiction of the state over the children of the community, all family life has died out. Men and women live together as man and wife, but the relation between them has become more nominal than real. It is significant of the changes that have been brought about between the sexes, that the word "home" has entirely dropped out of the language. A man's house has in truth ceased to be his home. There are no children there to greet him, his wife, who is his comrade, a man, a citizen like himself, is as rarely at home as he. Their food can be eaten anywhere—there is no common board; there is not even a servant to welcome the master with a smile. The word *wife* has also lost all its original significance. It stands for nothing. Husband and wife are in reality two men having equal rights, with the same range of occupation, the same duties as citizens to perform, the same haunts and the same dreary leisure.

It is therefore, my dear Hannevig, to be wondered at, that all ideas of love, and that all strong mutual attraction and affections should have died out between the sexes? Man loves, longs for passionately and protects with tender solicitude only that which is difficult to conquer. The imagination must at least be inflamed. But where there is no struggle, no opposition, no conditions which breed longing, desire, or the poetry of a little healthy despair, how is love or any sentiment at all to be awakened or kindled? Here there is no parental authority to make a wall between lovers, nor is there inequality of fortunes, nor any marked difference between the two sexes, even in their daily duties or in their lives. I am more and more impressed with the conviction, as I look into this question—this question of what we should consider the growth of an abnormal indifference between the sexes—that the latter cause is perhaps the one which has been chiefly instrumental in the bringing about so complete a change over the face of the passions. Woman has placed herself by the side of man, as his co-equal in labor and vocation, only to make the real distance between them the greater. She has gained her independence at the expense of her strongest appeal to man, her power as mistress, wife and mother. How can a man get up any very vivid or profound sentiment or affection for these men-women—who are neither mothers nor house-keepers, who differ in no smallest degree from themselves in their pursuits and occupation? Constant and perpetual companionship, from earliest infancy to manhood and old age has resulted in blunting all sense of any real difference between the sexes. Whatever slight inequalities may still exist between men and women in the matter of muscular energy or physical strength is more than counterbalanced by the enormous disproportion between them, numerically, as voters.

Some very curious and important political changes have been affected by the preponderance of the woman's vote.

Wars, for instance, have been within the last fifty years declared illegal. Woman found that whereas she was eminently fitted for all men's avocations in time of peace, when it came to war she made a very poor figure of a soldier. Wars, therefore, were soon voted down; foreign difficulties were adjusted by arbitration. As women, as a rule, were sent on these foreign diplomatic missions, I have heard it wickedly whispered that the chief cause of the usually speedy conclusion of any trouble with a foreign court was because of the babel of tongues which ensued: a foreign court being willing to concede anything rather than to continue negotiations with women-diplomatists. But this of course, is to be put down to pure maliciousness. Women since time immemorial, have had the best of man whenever it came to contests of the tongue, and this appears to be the one insignia of their former prestige which the sex insists on claiming.

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**Edwin H. Porter, *The Fall River Tragedy* (Fall River, 1893)**

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## THE FALL RIVER TRAGEDY

### Edwin H. Porter

### District Attorney Knowlton's Plea

Hosea M. Knowlton, attorney for the State, spoke as follows: May it please your honors, Mr. Foreman and you, gentlemen of the jury—Upon on common ground in this case all human men can stand together. However we may differ about many of the issues in this trial, there can be no doubt and I do not disguise my full appreciation of the fact, that it is a more heart-rending case. Whether we consider the tragedy that we are trying and the circumstances that surround it,

the charge that followed it, the necessary course of the trial that has been had before you, the difficult and painful duty of the counsel upon both sides of the case, or the duty that shall finally be committed to your charge, there is that in it all which lacerates the heart strings of humanity. It was an incredible crime, incredible but for the cold and merciful facts which confront and defeat the incredulity.

There is that in the tidings of a murder that thrills the human heart in depths. When the word passes from lip to lip and from mouth to mouth that a human life has been taken by an assassin, the stoutest hearts still beating, lips pale and cheeks blanch, strong men grow pale with the tears of the unknown and mysterious, and if that be so with what I now perhaps, by comparison call an ordinary assassination, what were the feelings that overpowered the community when the news of this tragedy was spread by the lightning to the ends of the world? Nay, gentlemen, need not ask you to imagine it. You were a part of the community. It came to you in your daily avocations, it sent a thrill through your beings and you felt that life was not secure. Every man turned detective. Everyone in fact and thought that occurred to the thousand, to the million, and all over the United States, was spread abroad and furnished and given the identification of the criminal, and still it remained an impenetrable mystery. My distinguished friend says, Who could have done it?

# "INDIVIDUALISM AND THE COMMON GOOD IN THE UNITED STATES"

**David Grimsted**
**University of Maryland**

The balancing of individual potential with the common good is a crucial equation in any society. The complexity of the social mechanisms that attempt to unleash; to direct, and to constrict personal energies in ways that will be contributive to self and to society are enormous, so much so that the questions involved are always controversial as well as crucial. The success of any society depends on how the balance is struck between these forces. In an open system, various and often diametrically divergent views will steadily find friends and enemies. Perpetual debate is the price of liberty and justice. Answers are never easy, because the equations include so much. Every choice involves advantages and disadvantages for both individuals and the community which cannot be precisely assessed. This is true of every issue a people faces, be it nuclear disarmament, compulsory public education, or the building of new sewer systems. Illustrative of this point is the fact that for over a century, few have challenged the desirability of a free compulsory education system for children to a certain age. That it is neither truly free, nor explicitly compulsory is moot, when placed next to this goal of improving the common good. Because schools have been deemed so central to opportunity and progress, society has not hesitated to constrict everyone's choice regarding them. Individual taxpayers can't choose not to support them, and neither parents nor the young have been allowed to abrogate the basic experience of formal education in ways they might deem pleasanter or more profitable, although they have been permitted to choose an alternative system in closer accord with their class, educational or religious vision. In the freest societies, liberties and opportunities are never absolute. This is clear in the long exclusion of a host of American people from the basic rights enjoyed by the majority. For most of the country's history, when Americans bragged about universal suffrage, they were not upset that their universe commonly excluded women, blacks, Indians, and Asians. Slaveholders with no commitment to ending racial bondage drafted most of the American documents asserting "inalienable" human liberties. When James Madison wrote his classic defense of the Constitution, he talked only about its contribution to liberty. Yet he and his colleagues well knew that the argument was also intended to assure people, without mentioning the embarrassing anomaly, that the new government would never question the implicit definition of "the *slave* as divested of two-fifths of the *man*," with the smaller being the deciding fraction. More recently, Americans showed few qualms about, in effect, indefinitely jailing Japanese-American men, women and children for no crime other than their race. Only in the 1950s did courts and people take serious steps to dismantle the system of "apartheid"* in the nation. The ending of such broad exclusions from areas of basic opportunity, of course, did not make anyone's rights more absolute. Controversy always remains. Freedom of speech for the press doesn't permit libel; slander, advocacy, or practice of directly destructive acts. Nor can it define what an age deems gross pornography, a term that at various times has protected Americans from reading James Joyce or scientific information about birth control. American legal freedom has never allowed the right to drink, smoke or sleep with everything one might want. Equal justice under law has always included a corollary relating to the amount of it one could afford to buy. Freedom of religion did not protect the nineteenth-century Mormon practice of polygamy, nor does it securely guard Christian Scientist parents' right to choose their child's medical treatment in accordance with their deepest beliefs. Perhaps least questioned is society's right to acquisition the most basic of human rights, those to life and liberty, in time of war. Nor has idealization of private property ever led to serious questioning of governmental taxing power. Such limitations in no way suggest that the American stress on inalienable rights, and the glorification of the individual as both the proper beneficiary and director of all societal action is meaningless. Rather, they illustrate that such truisms are always accompanied by tacit recognition of limitations on individuals, both for their own and the common good. In fact, emphasis on the rights and power of the individual has probably assured that most of the balancing done has roughly accorded with majority feeling. Concern about individual freedom within a properly limited sphere of government has also enhanced the importance of American "private" institutions in channeling the limits and opportunities of people. The family; the church, the workplace, the political, the charitable, or the social association, all entered into voluntarily, or at least not under legal compulsion, generally shape individual possibilities or constraints more strongly than those realities that

become the subject of political debate. For example, court decisions about affirmative action will affect both the individual and the common good, but in the near future they will probably not matter so much to most as the attitudes that blacks and whites bring to educational and workplace questions, or the realities that men and women accept in relation to having children and careers. People in families, churches and social groups all work to find and instill the attitudes and practices that they think will, on balance, best promote the individual and common good.

*The author originally used the word apartheid sans quotation marks. The editors felt, however, that as the term is not used in common parlance in reference to the *de jure* and *de facto* segregation prevalent in this country after World War II, they would place it in quotations.

## READINGS

**Week 1** *Religion's Relation to the Individual and the Common Good: The Puritan Experience*

***Primary Readings***

John Winthrop, "A Model of Christian Charity," in *Winthrop Papers* (Boston, 1931), II:282-95.

John Winthrop, *Journal*, ed. James Kendall Hosmer, (New York, 1908), I:61-64, 77-80, 114-17, 138-42, 154-55, 168, 195-97, 220-22, 239-41, 259-68, 278-79, 306, 315-19; II:18, 39-40, 138, 161-63, 224-25, 235-40.

John and Margaret Winthrop, "Letters," in *The Puritans*, eds. Perry Miller and Thomas Johnson, (New York, 1963), II:465-70.

Roger Williams, *The Bloody Tenant of Persecution* and "Letter to the Town of Providence" in *Puritans*, eds. Miller and Johnson, I:216-25.

Roger Williams, "Poems" in *A Key Into the Language of America* in *The Complete Writings of Roger Williams*, eds. James Turnbull *et.al.*, (Boston, 1866-74), I:38-39, 49-50, 81, 142, 146, 167, 185-186.

***Secondary Readings***

Edmund Morgan, *Puritan Dilemma: The Story of John Winthrop*, (Boston, 1958).

Coming to America with the first large group of Puritan settlers, John Winthrop (1605-1676) argued strongly that, without the assistance of religion, human selfishness and self-seeking would destroy the common good. Anne Hutchinson (1591-1643) and Roger Williams (1603-1683) were among several whose personal convictions came into conflict with the notions of the common good that Winthrop and fellow Puritans held. Both were forced from Massachusetts Bay Colony, and Williams, in Rhode Island, originated the American doctrine of the separation of church and state. Continuing questions tied to the readings relate to both the positive and problematic role of religious groups in a pluralistic society, and the desirable contemporary definition of the separation of church and state.

**Week 2** *New Men Grown of a New Society*

***Primary Readings***

Hector St. Jean de Crevecouer, *Letters From An American Farmer*, ed. Albert E. Stone, (New York, 1963), 45-51, 57-70, 75-79, 150-56, 161-67.

Benjamin Franklin, *Autobiography and Selected Writings*, eds. Dixon Wecter and Lazar Ziff, (New York, 1959), 1-35, 69- 80-98, 106-11, 125-28, 192-97.

***Secondary Readings***

Carl Bridenbaugh, *Cities in Revolt*, (New York, 1955).

Hector St. Jean de Crevecour (1735-1813) and Benjamin Franklin (1706-1790) were among the first to attempt definition of the nature of the new society the person being created in it, and the reciprocal ties between the two. Both pictured the British-American colonies as the land of opportunity, agrarian or mercantile, and both were concerned that individual choices be directed and controlled to promote the general welfare. The writings illustrate hopes about the promise of American life, and some fears of how it might go astray. A continuing issue is the degree to which their interpretation of the opportunities and the social responsibility of the new American are applicable to today's vastly different society.

**Week 3** *Developing Democratic Political and Social Theory*

***Primary Readings***

James Madison, *The Federalist Papers*, #10 and #54, ed. Clinton Rossiter, (New York, 1961), 77-84, 336-41.

Thomas Jefferson, *Notes on Virginia* and letters in *The Portable Thomas Jefferson*, ed. Merril Peterson, (New York, 1975), 184-93, 214-17, 517, 544-47.

John Adams and Thomas Jefferson, "Letters on a Natural Aristocracy," *The Adams-Jefferson Letters*, ed. Lester J. Cappon, (Chapel Hill, 1959), II:350-52, 370-72, 387-92, 397-402.

Timothy Dwight, *Greenfield Hill*, (New York, 1794), 33-39, 150-54.

Hugh Henry Brackenridge, *Modern Chivalry*, ed., Lewis Leary (New Haven, 1965), 35-50, 145-151.

***Secondary Readings***

Gordon Wood, *Creation of the American Republic*, (Chapel Hill, 1969).

James Madison (1750-1836), Thomas Jefferson (1743-1826) and John Adams (1735-1826) were perhaps the most intellectual of the American founding fathers, all of them concerned with the development of a democracy whose power would unleash rather than constrict liberty. Madison's contributions to *The Federalist Papers* supported the ratification of the new Constitution, and developed the great justification of the new system that argued its contribution to liberty while making clear it would not interfere with racial slavery. After their long political careers, Jefferson and Adams resumed their correspondence, warmly debating the likelihood of a natural aristocracy and the certainty of progress in a democracy. The relation of the superior individual and of the very common man to socio-political power in the new democracy was also the theme of the humorous sketches of Pennsylvania judge, Hugh Henry Brackenridge (1748-1816). Timothy Dwight (1752-1817), the leading New England clergyman of the day, in this poem sketched in his hopes for the new society, stressing the importance of community and rough economic equality to individual dignity. The readings raise the issues of the nature of democratic politics, and of the structures and attitudes that may accentuate its positive qualities.

**Week 4** *Democratic Education: Projects and Promises*

***Primary Readings***

Thomas Jefferson, "On Education," in *Portable Jefferson*, 193-99, 398-400, 504-07; and in *Educational Works of Thomas Jefferson*, ed. Roy J. Honeywell, (Cambridge, Mass., 1931), 249-57.

Robert Coram, *Political Inquiries, To Which Is Added A Plan for the Establishment of Schools*, eds. Charles S. Hyneman and Donald S. Lutz, *American Political Writings During the Founding Era, 1760-1803* (Indianapolis, 1983), II:757-59, 781-84, 795-800, 803-09.

Benjamin Rush, "Of the Mode of Education Proper to a Republic," in *Selected Writings*, ed. Dagobert D. Runes, (New York, 1947), 87-100.

Horace Mann, "Reports and Speeches on Education," in *Horace Mann on the Crisis in Education*, ed. Louis Filler, (Yellow Spring, Ohio, 1965), 87-98, 119-31, 135-43.

Catherine Beecher, *The Duty of American Women to Their Country*, (New York, 1845), 27-37, 51-58, 63-69, 113-19.

***Secondary Readings***

Lawrence Cremin, *American Education: The National Experience*, (New York, 1980).

No governmental responsibility to both democratic individuals and society was recognized so quickly as the need for public-funded education, though little was done on a broad scale in the nation's first half century. These writers were major advocates of systems of public education, and their essays suggest varied justifications for democratic public education. Thomas Jefferson and Robert Coram (1761-1796) offered early and very different plans for the kind of public education system desirable, while Benjamin Rush (1745-1813) both theorized and took action locally in Pennsylvania to promote schooling. Somewhat later Horace Mann (1796-1859) in Massachusetts developed the system of public education that became the nation's model, while Catherine Beecher (1800-1878) theorized about the equally essential, if somewhat different reasons, for female education. She also taught and urged that other women take up the teaching profession. The selections emphasize the varied arguments, personal and social, for democratic education, and some of the controversial issues from the beginning of what constitutes good schooling in a democratic society.

**Week 5** *Democratizing Religion*

***Primary Readings***

William Ellery Channing, "On Unitarian Religion," and "The Importance of Religion to Society," in *The Works of William Ellery Channing*, (Boston, 1903), III:58-69, 75-87, 97-100; V:339-42.

Charles Grandison Finney, "Sinners Bound to Change Their Own Hearts," in *Sermons on Important Subjects*, (New York, 1936), 3-10, 13-17, 25; and *Lectures on Revivals of Religion*, ed. William McLaughlin (Cambridge, Mass., 1960), 9-12, 17-23, 262-270.

Orestes Brownson, *The Convert* and "Catholicity Necessary to Sustain Popular Liberty" in *The Works of Orestes Brownson*, ed. Henry F. Brownson, (New York, 1966), V:1-11, 63-74, 155-60, 186-90, 197-200; X:1-16.

Mormon and Shaker songs from George D. Pyper, *Stories of Latterday Saint Hymns* (Salt Lake City, 1939), 1, 45, 97, 101, 138, 143, 181, 187.

Daniel W. Patterson, *The Shaker Spiritual* (Princeton, 1979), 159, 163-64, 180-81, 183-84, 213, 216, 231, 253-54, 373, 399.

Jean H. Thomason, *Shaker Manuscript Hymnals from South Union, Kentucky* (Bowling Green, Ky., 1967), 28, 32-33.

***Secondary Readings***

Timothy Smith, *Revivalism and Social Reform*, (New York, 1957); Jay Dolan, *The American Catholic*, (New York, 1985).

Religion, rather than fading in social importance as some thought likely after the withdrawal of all direct state subsidy, took on new vitality in the 1820s and 1830s, in part because leaders of all church groups worked to make their religions accord with many democratic preconceptions and practices. Unitarian leader William Ellery Channing (1780-1842) and the most important figure in the age's Protestant revival, Charles Grandison Finney (1792-1875), both worked to counteract Calvinism in favor of a faith emphasizing God's benevolence and the individual's power to choose. Orestes Brownson (1803-1876) became the Catholic church's leading American theologian (after an early career that led through Protestant revivalism, transcendentalism, and Jacksonian and radical politics), who argued the perfect compatibility of that faith to its United States' setting. The Shaker and Mormon hymns represent the spiritual searching of men and women in two of the more important of the many new religions of the era. These sources raise the issues of why religion has remained such a central part of American democratic experience, and of what it contributes to, and perhaps how it complicates, democratic personal and social life.

**Week 6** *Reforming Individuals and Society*

***Primary Readings***

Lyman Beecher, *Six Lectures on Temperance*, (Boston, 1828), 47-59, 86-88, 95-98.

Lydia Maria Child, *An Appeal in Favor of Americans Called Africans*, (Boston, 1836), 22-24, 26-27, 29-34, 41-42, 95-102, 126-28.

Elizabeth Cady Stanton, Sojourner Truth, and Susan B. Anthony, "On Woman Suffrage" in Stanton, Anthony, and Matilda Gage, *History of Woman Suffrage* (Rochester, New York, 1887), 2: 185-90, 193-94, 224-25, 264-68.

Sarah Payson Parton, *Little Ferns for Fanny's Little Friends*, (Auburn, New York, 1854), 33-37, 47-51, 157-61.

Nathaniel Hawthorne, "Earth's Holocaust" in *The Portable Hawthorne*, ed. Malcolm Cowley, (New York, 1967), 185-210.

***Secondary Readings***

David Rothman, *The Discovery of the Asylum*, (Boston, 1971); Alice Fell Tyler, *Freedom's Ferment*, (New York, 1944).

Questions of social "reform" in the antebellum years involved basic concerns about how to treat both individuals who needed special help or restraint; the criminal, orphans, the insane, the alcoholic, and those, primarily blacks and women, whom society biologically defined as beyond the pale of full citizenship. These groups raised profound issues about the obligations of the democratic state to people who were its victims or those of special circumstances. Lydia Maria Child (1802-1880) was a successful author who jeopardized her career when she became an abolitionist, and feminist-abolitionists Elizabeth Cady Stanton (1815-1902), Susan B. Anthony (1820-1906), and ex-slave Sojourner Truth (1797-1883) raised the issue of votes for women at the time black men were being enfranchised. Congregationalist minister Lyman Beecher (1775-1863) pioneered in the temperance movement which became most controversial when reformers concluded that legal prohibition was needed to keep individuals from destroying themselves at great familial and social cos. Two important writers who pondered the virtues and limitations of reform efforts were Sara Payson Parton (1811-1872), the most popular and best paid author of the 1850s, who incorporated reform concerns into her sketches for children, and Nathaniel Hawthorne (1804-1864) whose short story attempted a general moral evaluation of the age's reform movements.

**Week 7** *Self-Reliance and Self-Interest Rightly Understood*

***Primary Readings***

Alexis de Tocqueville, *Democracy in America*, ed. Richard Heffner, (New York, 1956), 26-38, 101-05, 112-29, 138-42, 189-202, 217-23.

Ralph Waldo Emerson, "Self Reliance" and *Journal* selections, in *Selected Writings of Ralph Waldo Emerson*, 52-68, 115-23, 258-64, 270-73, 276-80.

***Secondary Readings***

Thomas Bender, *Community and Social Change in America*, (New Brunswick, New Jersey, 1978).

No question was more central to the American common good than the proper balance of individualism with social responsibility, and perhaps no two thinkers contributed more to its definition than the major American antebellum thinker, Ralph Waldo Emerson (1803-1882) and the profoundest of those foreigners who analyzed democratic America in that period, Alexis de Tocqueville (1805-1859). Emerson advocated a more intense individualism in a society that he saw as often emptily conformist and materialistic. De Tocqueville, who coined the term individualism, was at least equally worried about "the tyranny of the majority," but felt uneasy also about the American tendency to put self first and to be confident that "self-interest rightly understood" would make self and social advancement one. The two writers raise the

continuing questions of whether conformist pressures in a democracy endanger true liberty, and whether a basic commitment to looking out for number one enhances or endangers the common good.

**Week 8** *Majorities, Minorities, Mobs and Law*

***Primary Readings***

John C. Calhoun, *A Disquisition on Government*, in *Basic Documents of Calhoun*, ed. John M. Anderson (State College, Pennsylvania, 1952), 29-47, 61-68.

Henry David Thoreau, "Civil Disobedience" and "Slavery in Massachusetts," in *The Writings of Henry David Thoreau*, (Boston, 1906), IV:356-65, 368-72, 375-81, 386-96.

Abraham Lincoln, "Springfield Lyceum Address," Douglas Debates and "the Second Inaugural", in *Selected Speeches, Messages and Letters*, ed. T. Harry Williams, (New York, 1957), 5-14, 98-112, 282-83.

Thomas Schackelford, *Proceedings of the Citizens of Madison County, Mississippi.....in Relation to.....the Contemplated Insurrections*, (Jackson, Miss., 1836), 1-16, 20-23, 27-29.

Senate Debate on John Hale's Riot Bill, in *Congressional Globe*, 30th Congress, 1st Session, (Washington, D.C., 1848), 500-08.

***Secondary Readings***

Michael Hindus, *Prison and Plantation* (Chapel Hill, 1980).

The question of balancing minority rights with majority power is always difficult, and its voltage was intensified in the antebellum years because it revolved around intractable visions of North-South and black-white differences. The two most powerful defenses of minority rights were penned by South Carolinian John C. Calhoun (1782-1850), who devised a theory of liberty partly to insure slavery's perpetuation, and by Henry David Thoreau (1817-1862) who insisted on his liberty not to pay taxes in support of a war to extend slavery. The many mobs of the era were usually defended on the basis of majority rights and self-defense, as they were by Mississippian Thomas Shackelford, who wrote the formal defense of the mob hangings related to an alleged slavery insurrection. This riotous action, and others, led to a eulogy on law by young Abraham Lincoln (1809-1865), one that did not prevent his belief in a higher law that restricted majority power, the gist of his debates with Stephen Douglas and with slavery extension as the Civil War loomed. Much of this sectional argument came to the fore when a conventional bill against voting triggered the harshest and frankest antebellum debate in the U.S. Senate over the issue of slavery. While the Civil War in some sense solved some of these specific dilemmas, the questions of majority limitations respecting minorities and the importance of commitments to statutory and higher laws remain.

**Week 9** *The Costs of Slavery and War*

***Primary Readings***

Solomon Northup, *Twelve Years A Slave*, (Auburn, 1853), 17-22, 78-88, 103-17, 131-42, 162-71, 176-90.

George Templeton Strong, *Diary*, eds. Allan Nevins and Milton H. Thomas, (New York, 1952), I:93-94, 194-95, 198-201, 351-2, 355; II:34, 56-7, 102-3, 174-5, 205, 274-6, 278, 286-7, 304-5, 382, 422, 465-6, 474-6, 480-1; III:3-4, 28, 52, 56-7, 63, 67-8, 76, 77-8, 142, 216-17, 229, 283, 289-90, 294-95, 347, 356-7, 408, 471-4, 483, 511-12, 547-49, 581-86; IV:11-12, 15, 63, 71, 96, 98-99, 113-14, 147, 154-55, 160-61, 172-73, 184, 188, 499, 538.

Mary Boykin Chesnut, *Diary from Dixie*, ed. Ben Ames Williams, (Boston, 1949) 1, 3, 21-22, 38, 43-44, 73, 92-93, 121-23, 136-42, 145-47, 151, 158-59, 163-64, 169-72, 179, 184, 199-202, 218, 222, 247, 264-65, 269, 295-96, 389, 399-400, 412-13, 456, 480-81, 485-86, 512, 531-40.

***Secondary Readings***

David Potter, *The Impending Crisis*, (New York, 1976).

No institution mocked American commitments either to individual rights or to the general welfare so clearly as slavery, and no event so dramatically or drastically required immense personal sacrifices for sectional visions of the common good than did the Civil War. Solomon Northup (1808-1863), a free black from New York, was kidnapped and sold in Louisiana as a slave, where he labored for twelve years before being freed once again, at which point he wrote a classic description of his life as a slave. Mary Boykin Chesnut (1823-1886) and George Templeton Strong (1820-1875) were two of the greatest diarists of the day, both wealthy and well-born, sharp observers and prickly writers. Strong was a New Yorker who justified slavery, but who became a committed Republican as war approached and a somewhat reluctant radical during Reconstruction. Chesnut, married to a wealthy and politically prominent South Carolinian, kept her diary during the Civil War, a moving record of the illusions and the courage with which the South weathered that conflict. While the South tolerated no serious questioning of slavery before the war, the conflict itself encouraged Chesnut's stress on the burdensome undesirability of black bondage. Both diaries also suggest the Northern Reconstruction dilemma of having to choose between smoothly reintegrating the white South or protecting the freed blacks.

**Week 10** *In Mass Society: A Part and Apart*

***Primary Readings***

Walt Whitman, *Leaves of Grass*, in *Major American Poets*, eds. Oscar Williams and Edwin Honig, (New York, 1962), pp. 116-25, 163-70.

Emily Dickinson, "Poems," in *Major American Poets*, pp. 186-91, 194-200.

Booker T. Washington, *Up From Slavery*, in *Three Negro Classics*, ed. John Hope Franklin, (New York, 1965), pp. 29-62, 85-91, 145-57, 205-05.

W.E.B. DuBois, *The Souls of Black Folks*, in *Three Negro Classics*, pp. 221-23, 231-32, 239-61, 301-08, 323-29, 377-88.

***Secondary Readings***

Lawrence Levine, *Black Culture, Black Consciousness*, (New York, 1977).

Conflicting stretegies of integration that the North faced during Reconstruction remained central for black thinkers after the South returned to white domination. Booker T. Washington (1856-1915), born a Virginia slave, and Massachusetts-born William E.B. Dubois (1868-1963) became the leading black proponents of differing answers, as the South acted more overtly to subordinate blacks around the turn of the century through disenfranchisement, segregation and terroristic lynchings. DuBois' argument that blacks experienced a divided consciousness, expressed the situation of other Americans as well, both immigrants torn between their old world heritage and new world possibilities and natives who struggled to integrate personal identity with social belongingness in a mass society. The aesthetic results of such struggle were greatest in the work of the age's two major poets, Walt Whitman (1819-1892) and Emily Dickinson (1830-1886).

**Week 11** *Wealth: Enterprise and Equality*

***Primary Readings***

Thomas Skidmore, *The Rights of Man to Property!...*, (New York, 1829) pp. 125-29, 139-44.

Andrew Carnegie, *The Gospel of Wealth*, (New York, 1933), vii-xix, 1-11, 37-39, 97-99, 110-11, 128-33.

Henry George, *Social Problems*, (New York, 1930), pp. 1-9, 70-80, 241-45.

William Graham Sumner, "The Absurd Effort to Make the World Over," and "Do We Want Industrial Peace?" in *War and Other Essays*, (New Haven, 1911), pp. 195-210, 236-43.

Finley Peter Dunne, "The Carnegie Libraries," in *Dissertations by Mr. Dooley*, (New York, 1906), pp. 177-82.

***Secondary Readings***

Sean Wilentz, *Chants Democratic*, (New York, 1984); Alfred Chandler, *The Visible Hand*, (Cambridge, Mass., 1977).

Central to any free society's balancing of individual rights with the common good are the rules set up for accumulating and passing on property. Equality of opportunity, private property and government responsibility create tensions in decisions about what arrangement of these principles will best foster general prosperity. Early labor leader Thomas Skidmore (1798-1833) enunciated a wholly American radicalism that suggested differences in inherited wealth were antiethical to equality of opportunity, while half a century later steel magnate Andrew Carnegie (1835-1919) offered his vision of responsible capitalism. Two thinkers who helped define the argument in the late nineteenth century were Henry George (1839-1897) and William Graham Sumner (1840-1910), both using ideas vaguely derived from Darwinism to justify their opposite economic conclusions. Humorist Finley Peter Dunne (1867-1936) satirized all sides of the issue.

**Week 12** *Women in Family, Field and Factory*

***Primary Readings***

Jane Addams, *Twenty Years at Hull House*, ed. Henry Steele Commager, (New York, 1961), pp. 123-31, 178-85, 250-53.

Jane Addams, "Filial Relations," in *Democracy and Social Ethics*, ed. Ann Firor Scott, (Cambridge, Mass., 1964), pp. 71-88, 92-93.

Hamlin Garland, "A Branch Road," in *Main-Travelled Roads*, ed. Mark Shorer, (New York, 1962), pp. 13-31, 39-53.

Minnie Boyer Davis, "Letter of a Farm Wife," 1915, National Archives typescript, 4 pp.

"Reminiscences of Factory Women," in *Amoskeag: Life and Work in a Factory-City*, ed. Tamara Hareven, (New York, 1978), pp. 43-49, 240-45, 255-75.

***Secondary Readings***

Julie Roy Jeffrey, "Women in The Southern Farmers Alliance: A Reconsideration of the Role and Status of Women in the late 19th Century South," in *Our American Sisters: Women in American Life and Thought*, 3rd Edition, eds. Friedman and Shade (Lexington, Mass., 1982), pp. 348-372; Mary Ryan, "Social Housekeeping," *Womanhood in America*, (New York, 1982), 3rd Edition.

No sacrifice of personal opportunities for the common good of others has been so generally applauded

as those of women in relation to family, an issue that, in many formats, came to the fore around 1900. Jane Addams (1860-1935), herself a representative of the broader social role some women were taking, wrote thoughtfully about the tensions of immigrant women and children as they struggled with the traditional values and new problems and possibilities. Tamara Hareven's interviews with factory women of the era allows some of these women to speak for themselves about how they handled their families, working, and personal choices. Writer Hamlin Garland (1860-1940) included the lot of farm women in his bleak picture of turn-of-the-century rural America, something also stressed in the potent personal protest of Minnie Boyer Davis in a 1915 letter.

**Week 13** *Schools and Social Values*

***Primary Readings***

*McGuffey's Fifth Eclectic Reader*, ed. Henry Steele Commager, (New York, 1962), pp. 51-108, 150-75, 240-44, 314-24, 340-49.

***Secondary Readings***

Ruth Miller Elson, *Guardians of Tradition*, (Lincoln, Nebraska, 1964).

For much of the nineteenth century, *McGuffey Readers* were the nation's teacher, a major source of a common culture that reached into all sections and strata of the United States. Devised by William Holmes McGuffey (1800-1873), with considerable help from his brother Alexander, these readers gained lasting success because they both embodied and perpetuated the educational, cultural, and moral values of the era so well. As such, they offer major clues about what personal and social attitudes prevailed, as well as raise major questions about the proper role of schools in promoting skills and values deemed essential to the common good.

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**Thomas Shackleford, *Proceedings of the Citizens of Madison County, Mississippi . . . In relation to . . . The Contemplated Insurrections*, Jackson, Mississippi, 1836**

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## THOMAS SHACKLEFORD PROCEEDINGS

The Committee of Livingston have caused to be laid before their fellow citizens and the public, the grounds upon which an imperious necessity as they conceived, and still firmly believe, compelled them to act, and cause the (homes) of a number of their fellow beings to be taken. No one need be informed that the principle of self-defense is the first law of nature, derived from our creator as an essential to the preservation of our lives.

Wheatoo, it is recalled, that all which we hold most dear in this world was involved in the common danger, and calling for every manly energy in their defense, the odds will be found very great between the cold reasoning of statesmen and lawyers, and the vituperations of fanatics at a distance. But imminent and pressing as was the danger, the organization of a committee, chosen by the unanimous consent of their fellow citizens, assembled on the occasion, and invested by them, (however unclothed with the forms of law) with the fearful power of life and death was the result. This may, nevertheless, be considered salutary, not only as providing against, and checking the impending danger, but as wresting and restraining those wild sallies of passion and not infrequently of private revenge, which mark the devastating career of an excited and enraged people. The awful responsibility which was thus, by the unsolicited suffrages of their fellow citizens, devolved upon the committee, called for the most patient exercise and calm deliberation of their judgments, not only to break the force of the coming storm, but to shield the innocent from being confounded with the guilty - no very easy task in terms of great public excitement, and when the people are driven, from the urgency of the occasion, to resort to natural law for safety. If the committee have in any instance erred, in consigning the innocent to death, of which they remain yet to be convinced, it has not been produced by precipitation on their part - for due deliberation and an earnest desire to find out the truth, rather than the guilt of the accused, has been attested by the length of time devoted to the examination of each case. To those acquainted with the circumstances and condition of the surrounding country and population at the time, an apology for the strong measures adopted by the citizens . . . would be unnecessary; it may not be to those at a distance.

The question may arise among the latter, why was not the civil authority appealed to; and which the committee are free to declare, is always greatly to be preferred when its powers are competant to restrain the evil. The civil authority was inadequate to this

end in Madison County; for there is no jail adequate in that county to contain more than six or eight prisoners, and even then very insecurely; and whenever prisoners would have been dispatched to any other county, a guard would have been required which would have left many families defenceless; and it was unknown at what moment the protection might be requires—beside, immediate example, and its consequent terror; without hope from the laws delay and evasion, seem as in truth, it was indispensable to safety.

Already had many of the slaves marked out many of the victims of their lust and revenge; and no time to convince them of the fatal attempts of their rash enterprise was to be lost.

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**Speech by Abraham Lincoln, *"Address to the Young Men's Lyceum of Springfield,"* January 27, 1838**

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## ADDRESS TO THE YOUNG MEN's LYCEUM OF SPRINGFIELD

**January 27, 1838**

As a subject for the remarks of the evening, *the perpetuation of our political institutions*, is selected.

In the great journal of things happening under the sun, we, the American people, find our account running, under date of the nineteenth century of the Christian era. We find ourselves in the peaceful possession, of the fairest portion of the earth, as regards extent of territory, fertility of soil, and salubrity of climate. We find ourselves under the government of a system of politican institutions, conducing more essentially to the ends of civil and religious liberty, than any of which the history of former times tells us. We, when mounting the stage of existence, found ourselves the legal inheritors of these fundamental blessings. We toiled not in the acquirement or establishment of them—they are a legacy bequeathed us, by a *once* hardy, brave, and patriotic, but *now* lamented and departed race of ancestors. Theirs was the task (and nobly they performed it) to possess themselves, and through themselves, us, of this goodly land; and to uprear upon its hills and its valleys, a political edifice of liberty and equal reights; 'tis ours only, to transmit these, the former, unprofaned by the foot of an invader; the latter, undecayed by the lapse of time, and untorn by usurpation—to the latest generation that fate shall permit the world to know. This task of gratitude to our fathers, justice to ourselves, duty to posterity, and love for our species in general, all imperatively require us faithfully to perform.

How, then, shall we perform it? At what point shall we expect the approach of danger? By what means shall we fortify against it? Shall we expect some transatlantic military giant, to step the ocean, and crush us at a blow? Never! All the armies of Europe, Asia and Africa combined, with all the treasure of the earth (our own excepted) in their military chest; with a Buonaparte for a commander, could not by force, take a drink from the Ohio, or make a track on the Blue Ridge, in a trial of a thousand years.

At what point then is the approach of danger to be expected? I answer, if it ever reach us, it must spring up amongst us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen, we must live through all time, or die by suicide.

I hope I am overwary; but if I am not, there is, even now, something of ill omen amongst us. I mean the increasing disregard for law which pervades the country; the growing disposition to substitute the wild and furious passions in lieu of the sober judgment of courts; and the worse than savage mobs, for the executive ministers of justice. This disposition is awfully fearful in any community; and that it now exists in ours, though grating to our feelings to admit, it would be a violation of truth, and an insult to our intelligence, to deny. Accounts of outrages committed by mobs, form the everyday news of the times. They have pervaded the country, from New England to Louisians—they are neither peculiar to the eternal snows of the former, nor the burning suns of the latter—they are not the creature of climate—neither are they confined to the slaveholding, or the nonslaveholding states. Alike, they spring up among the pleasure hunting masters of Southern slaves, and the order-loving citizens of the land of steady habits. Whatever, then, their cause may be, it is common to the whole country.

It would be tedious, as well as useless, to recount the horrors of all of them. Those happening in the state of Mississippi, and at St. Louis, are, perhaps, the most dangerous in example, and revolting to humanity. In the Mississippi case, they first commenced

by hanging the regular gamblers: a set of men, certainly not following for a livelihood, a very useful, or very honest occupation; but one which, so far from being forbidden by the laws, was actually licensed by an act of the legislature, passed but a single year before. Next, negroes, suspected of conspiring to raise an insurrection, were caught up and hanged in all parts of the state: then, white men, supposed to be leagued with the negroes; and finally, strangers, from neighboring states, going thither on business, were, in many instances, subjected to the same fate. Thus went on this process of hanging, from gamblers to negroes, from negroes to white citizens, and from these to strangers; till, dead men were seen literally dangling from the boughs of trees upon every roadside; and in numbers almost sufficient, to rival the native Spanish moss of the country, as a drapery of the forest.

Turn, then, to that horror-striking scene at St. Louis. A single victim was only sacrificed there. His story is very short; and is, perhaps, the most highly tragic, of anything of its length, that has evern been witnessed in real life. A mulatto man, by the name of McIntosh, was seized in the street, dragged to the suburbs of the city, chained to a tree, and actually burned to death; and all within a single hour from the time he had been a freeman, attending to his own business, and at peace with the world.

Such are the effects of mob law; and such are the scenes, becoming more and more frequent in this land so lately famed for love of law and order; and the stories of which, have even now grown too familiar, to attract anything more, than an idle remark.

But you are, perhaps, ready to ask, "What has this to do with the perpetuation of our political institutions?" I answer, it has much to do with it. Its direct consequences are, comparatively speaking, but a small evil; and much of its danger consists, in the proneness of our minds, to regard its direct, as its only consequences. Abstractly considered, the hanging of the gamblers at Vicksburg, was of but little consequence. They constitute a portion of population, that is worse than useless in any community; and their death, if no pernicious example be set by it, is never matter of reasonable regret with anyone. If they were annually swept, from the stage of existence, by the plague or smallpox, honest men would, perhaps, be much profited, by the operation. Similar too, is the correct reasoning, in regard to the burning of the negro at St. Louis. He had forfeited his life, by the perpetration of an outrageous murder, upon one of the most worthy and respectable citizens of the city; and had he not died as he did, he must have died by the sentence of the law, in a very short time afterwards. As to him alone, it was as well the way it was, as it could otherwise have been. But the example in either case, was fearful. When men take it in their heads today to hang gamblers, or burn murderers, they should recollect, that, in the confusion usually attending such transactions, they will be as likely to hang or burn someone, who is neither a gambler nor a murderer as one who is; and that, acting upon the example they set, the mob of tomorrow, may, and probably will, hang or burn some of them, by the very same mistake. And not only so; the innocent, those who have ever set their faces against violations of law in every shape, alike with the guilty, fall victims to the ravages of mob law; and thus it goes on, step by step, till all the walls erected for the defense of the persons and property of individuals, are trodden down, and disregarded. But all this even, is not the full extent of the evil. By such examples, by instances of the perpetrators of such acts going unpunished, the lawless in spirit, are encouraged to become lawless in practice; and having been used to no restraint, but dread of punishment, they thus become, absolutely unrestrained. Having ever regarded government as their deadliest bane, they make a jubilee of the suspension of its operations; and pray for nothing so much, as its total annihilation. While, on the other hand, good men, men who love tranquility, who desire to abide by the laws, and enjoy their benefits, who would gladly spill their blood in the defense of their country; seeing their property destroyed; their families insulted, and their lives endangered; their persons injured; and seeing nothing in prospect that forebodes a change for the better; become tired of, and disgusted with, a government that offers them no protection; and are not much averse to a change in which they imagine they have nothing to lose. Thus, then, by the operation of this mobocratic spirit, which all must admit, is now abroad in the land, the strongest bulwark of any government, and particularly of those constituted like ours, may effectually be broken down and destroyed—I mean the *attachment* of the people. Whenever this effect shall be produced among us; whenever the vicious portion of population shall be permitted to gather in bands of hundreds and thousands, and burn churches, ravage and rob provision stores, throw printing presses into rivers, shoot editors, and hang and burn obnoxious persons at pleasure, and with impunity; depend on it, this government cannot last. By such things, the feelings of the best citizens will become more or less alienated from it; and thus it will be left without friends, or with too few, and those few too weak, to make their friendship effectual. At such a time and under such circumstances, men of sufficient talent and ambition will not be wanting to seize the opportunity, strike the blow, and overturn that fair fabric, which for the last

half century, has been the fondest hope, of the lovers of freedom, throughout the world.

I know the American people are *much* attached to their government; I know they would suffer *much* for its sake; I know they would endure evils long and patiently, before they would ever think of exchanging it for another. Yet, notwithstanding all this, if the laws be continually despised and disregarded, if their rights to be secure in their persons and property, are held by no better tenure than the caprice of a mob, the alienation of their affections from the government is the natural consequence; and to that, sooner or later, it must come.

Here then, is one point at which danger may be expected.

The question recurs "how shall we fortify against it?" The answer is simple. Let every American, every lover of liberty, every well wisher to his posterity, swear by the blood of the Revolution, never to violate in the least particular, the laws of the country; and never to tolerate their violation by others. As the patriots of seventy-six did to the support of the Declaration of Independence, so to the support of the Constitution and laws, let every American pledge his life, his property, and his sacred honor; let every man remember that to violate the law, is to trample on the blood of his father, and to tear the charter of hiw own, and his children's liberty. Let reverence for the laws, be breathed by every American mother, to the lisping babe, that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in course of justice. And, in short, let it become the *political religion* of the nation; and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues, and colors and conditions, sacrifice unceasingly upon its altars.

While ever a state of feeling, such as this, shall universally, or even, very generally prevail throughout the nation, vain will be every effort, and fruitless every attempt, to subvert our national freedom.

When I so pressingly urge a strict observance of all the laws, let me not be understood as saying there are no bad laws, nor that grievances may not arise, for the redress of which, no legal provisions have been made. I mean to say no such thing. But I do mean to say, that, although bad laws, if they exist, should be repealed as soon as possible, still while they continue in force, for the sake of example, they should be religiously observed. So also in unprovided cases. If such arise, let proper legal provisions be made for them with the least possible delay; but, till then, let them if not too intolerable, be borne with.

There is no grievance that is a fit object of redres by mob law. In any case that arises, as for instance, the promulgation of abolitionism, one of two positions is necessarily true; that is, the thing is right within itself, and therefore deserves the protection of all law and all good citizens; or, it is wrong, and therefore proper to be prohibited by legal enactments; and in neither case, is the interposition of mob law, either necessary, justifiable, or excusable.

But, it may be asked, why suppose danger to our political institutions? Have we not preserved them for more than fifty years? And why may we not for fifty times as long?

We hope there is no *sufficient* reason. We hope all dangers may be overcome; but to conclude that no danger may ever arise, would itself be extremely dangerous. There are now, and will hereafter be, many causes, dangerous in their tendency, which have not existed heretofore; and which are not too insignificant to merit attention. That our government should have been maintained in its original form from its establishment until now, is not much to be wondered at. It had many props to support it through that period, which now are decayed, and crumbled away. Through that period, it was felt by all, to be an undecided experiment; now, it is understood to be a successful one. Then, all that sought celebrity and fame, and distinction, expected to find them in the success of that experiment. Their *all* was staked upon it: their destiny was *inseparably* linked with it. Their ambition aspired to display before an admiring world, a practical demonstration of the truth of a proposition, which had hitherto been considered, at best no better, than problematical; namely, *the capability of a people to govern themselves*. If they succeeded, they were to be immortalized; their names were to be transferred to counties and cities, and rivers and mountains; and to be revered and sung, and toasted through all time. If they failed, they were to be called knaves and fools, and fanatics for a fleeting hour; then to sink and be forgotten. They succeeded. The experiment is successful; and thousands have won their deathless names in making it so. But the game is caught; and I believe it is true, that with the catching, end the pleasures of the chase. This field of glory is harvested, and the crop is already appropriated. But new reapers will arise, and *they*, too, will seek a field. It is to deny, what the history of the world tells us is true, to suppose that men of ambition and talents will not continue to spring up amongst us. And, when they do, they will as naturally seek the gratification of their ruling passion, as others have so done before them. The question then, is, can that gratification be found in supporting and maintaining an edifice that has been erected by others? Most certainly it cannot.

Many great and good men sufficiently qualified for any task they should undertake, may even be found, whose ambition would aspire to nothing beyond a seat in Congress, a gubernatorial or a presidential chair; *but such belong not to the family of the lion, or the tribe of the eagle.* What! think you these places would satisfy an Alexander, a Caesar, or a Napoleon? Never! Towering genius disdains a beaten path. It seeks regions hitherto unexplored. It sees *no distinction* in adding story to story, upon the monuments of fame, erected to the memory of others. It *denies* that it is glory enough to serve under any chief. It *scorns* to tread in the footsteps of *any* predecessor, however illustrious. It thirsts and burns for distinction; and, if possible, it will have it, whether at the expense of emancipating slaves, or enslaving freemen. Is it unreasonable then to expect, that some man possessed of the loftiest genius, coupled with ambition sufficient to push it to its utmost stretch, will at some time, spring up among us? And when such a one does, it will require the people to be united with each other, attached to the government and laws, and generally intelligent, to successfully frustrate his designs.

Distinction will be his paramount object; and although he would as willingly, perhaps more so, acquire it by doing good as harm; yet, that opportunity being past, and nothing left to be done in the way of building up, he would set boldly to the task of pulling down.

Here then, is a probably case, highly dangerous, and such a one as could not have well existed heretofore.

Another reason which *once was*; but which, to the same extent, is *now no more*, has done much in maintaining our institutions thus far. I mean the powerful influence which the interesting scenes of the Revolution had upon the *passions* of the people as distinguished from their judgment. By this influence, the jealousy, envy, and avarice, incident to our nature, and so common to a state of peace, prosperity, and conscious strength, were, for the time, in a great measure smothered and rendered inactive; while the deep rooted principles of *hate*, and the powerful motive of *revenge*, instead of being turned against each other, were directed exclusively against the British nation. And thus, from the force of circumstances, the basest principles of our nature, were either made to lie dormant, or to become the active agents in the advancement of the noblest of causes—that of establishing and maintaining civil and religions liberty.

But this state of feeling *must fade, is fading, has faded*, with the circumstances that produced it.

I do not mean to say, that the scenes of the Revolution *are now* or *ever will* be entirely forgotten; but that like everything else, they must fade upon the memory of the world, and grow more and more dim by the lapse of time. In history, we hope, they will be read of, and recounted, so long as the Bible shall be read; but even granting that they will, their influence *cannot be* what it heretofore has been. Even then, they *cannot be* so universally known, nor so vividly felt, as they were by the generation just gone to rest. At the close of that struggle, nearly every adult male had been a participator in some of its scenes. The consequence was, that of those scenes, in the form of a husband, a father, a son or a brother, a *living history was* to be found in every family—a history bearing the indubitable testimonies of its own authenticity, in the limbs mangled, in the scars of wounds received, in the midst of the very scenes related—a history, too, that could be read and understood alike by all, the wise and the ignorant, the learned and the unlearned. But *those* histories are gone. They *can* be read no more forever. They *were* a fortress of strength; but, what invading foemen could *never* do, the silent artillery of time *has done*; the leveling of its walls. They are gone. They *were* a forest of giant oaks; but the all-resistless hurricane has swept over them, and left only, here and there, a lonely trunk, despoiled of its verdure, shorn of its foliage; unshading and unshaded, to murmur in a few more gentle breezes, and to combat with its mutilated limbs, a few more ruder storms, then to sink, and be no more.

They *were* the pillars of the temple of liberty; and now, that they have crumbled away, that temple must fall, unless we, their descendants, supply their places with other pillars, hewn from the solid quarry of sober reason. Passion has helped us; but can do so no more. It will in future be our enemy. Reason, cold, calculating, unimpassioned reason, must furnish all the materials for our future support and defense. Let those materials be moulded into *general intelligence, sound morality* and, in particular, *a reverence for the Constitution and laws*; and, that we improved to the last; that we remained free to the last; that we revered his name to the last; that, during his long sleep, we permitted no hostile foot to pass over or desecrate his resting place; shall be that which to learn the last trump shall awaken our WASHINGTON.

Upon these let the proud fabric of freedom rest, as the rock of its basis; and as truly as has been said of the only greater institution, "*the gates of hell shall not prevail against it.*"

## *First Lincoln-Douglas Debate*, August 21, 1858

### THE SLAVERY CONTROVERSY

*At Ottawa Douglas opened. He flung a number of accusations: that Lincoln favored abolitionist ideas, that he had opposed the Mexican War, that he supported Negro equality. When Lincoln rose to reply, he read sections from his Peoria speech to explain his position on slavery.*

August 21, 1858

Now gentlemen, I don't want to read at any greater length, but this is the true complexion of all I have ever said in regard to the institution of slavery and the black race. This is the whole of it, and anything that argues me into his idea of perfect social and political equality with the negro, is but a specious and fantastic arrangement of words, by which a man can prove a horse chestnut to be a chestnut horse. [Laughter.] I will say here, while upon this subject, that I have no purpose directly or indirectly to interfere with the institution of slavery in the states where it exists. I believe I have no lawful right to do so, and I have no inclination to do so. I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two, which in my judgment will probably forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong, having the superior position. I have never said anything to the contrary, but I hold that notwithstanding all this, there is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness. [Loud cheers.] I hold that he is as much entitled to these as the white man. I agree with Judge Douglas he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without leave of anybody else, which his own hand earns, *he is my equal and the equal of Judge Douglas, and the equal of every living man.* [Great applause.]

Now I pass on to consider one or two more of these little follies. The Judge is woefully at fault about his early friend Lincoln being a "grocery keeper." [Laughter.] I don't know as it would be a great sin, if I had been, but he is mistaken. Lincoln never kept a grocery anywhere in the world. [Laughter] It is true that Lincoln did work the latter part of one winter in a small still house, up at the head of a hollow. [Roars of laughter.] And so I think my friend, the Judge, is equally at fault when he charges me at the time when I was in Congress of having opposed our soldiers who were fighting in the Mexican War. The Judge did not make his charge very distinctly but I can tell you what he can prove by referring to the record. You remember I was an old Whig, and whenever the Democratic party tried to get me to vote that the war had been righteously begun by the President, I would not do it. But whenever they asked for any money, or land warrants, or anything to pay the soldiers there, during all that time, I gave the same votes that Judge Douglas did. [Loud applause.] You can think as you please as to whether that was consistent. Such is the truth; and the Judge has the right to make all he can out of it. But when he, by a general charge, conveys the idea that I withheld supplies from the soldiers who were fighting in the Mexican War, or did anything else to hinder the soldiers, he is, to say the least, grossly and altogether mistaken, as a consultation of the records will prove to him.

As I have not used up so much of my time as I had supposed, I will dwell a little longer upon one or two of these minor topics upon which the Judge has spoken. He has read from my speech in Springfield, in which I say that a "a house divided against itself cannot stand." Does the Judge say it *can* stand? [Laughter.] I don't know whether he does or not. The Judge does not seem to be attending to me just now, but I would like to know if it is his opinion that a house divided against itself *can stand*. If he does, then there is a question of veracity, not between him and me, but between the Judge and an authority of a somewhat higher character. [Laughter and applause.]

Now, my friends, I ask your attention to this matter for the purpose of saying something seriously. I know that the Judge may readily enough agree with me that the maxim which was put forth by the Saviour is true, but he may allege that I misapply it; and the Judge has a right to urge that, in my application, I do misapply it, and then I have a right to show that I do *not* misapply it. When he undertakes to say that because I think this nation, so far as the question of slavery is concerned, will all become one thing or all the other, I am in favor of bringing about a dead uniformity in the various states, in all their institutions,

in the states, springing from differences in the soil, differences in the face of the country, and in the climate, are bonds of Union. They do not make "a house divided against itself," but they make a house united. If they produce in one section of the country what is called for by the wants of another section, and this other section can supply the wants of the first, they are not matters of discord but bonds of union, true bonds, of union. But can this question of slavery be considered as among *these* varieties in in the institutions of the country? I leave it to you to say whether, in the history of our government, this institution of slavery has not always failed to be a bond of union, and, on the contrary, been an apple of discord and an element of division in the house. [Cries of "Yes, yes," and applause.] I ask you to consider whether, so long as the moral constitution of men's minds shall continue to be the same, after this generation and assemblage shall sink into the grave, and another race shall arise, with the same moral and intellectual development we have—whether, if that institution is standing in the same irritating position in which it now is, it will not continue an element of division? [Cries of "Yes, yes."] If so, then I have a right to say that in regard to this question, the Union is a house divided against itself, and when the Judge reminds me that I have often said to him that the institution of slavery has existed for eighty years in some states, and yet it does not exist in some other, I agree to the fact, and I account for it by looking at the position in which our fathers originally placed it—restricting it from the new territories where it had not gone, and legislating to cut off its source by the abrogation of the slave trade, thus putting the seal of legislation *against its spread*. The public mind *did* rest in the belief that it was in the course of ultimate extinction. [Cries of "Yes, yes."]

But lately, I think—and in this I charge nothing on the Judge's motives—lately, I think, that he, and those acting with him, have placed that institution on a new basis, which looks to the *perpetuity and nationalization of slavery*. [Loud cheers.] And while it is placed upon this new basis, I say, and I have said, that I believe we shall not have peace upon the question until the opponents of slavery arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or, on the other hand, that its advocates will push it forward until it shall become alike lawful in all the states, old as well as new, North as well as South. Now, I believe if we could arrest the spread, and place it where Washington, and Jefferson, and Madison placed it, it *would be* in the course of ultimate extinction, and the public mind *would*, as for eighty years past, believe that it was in the course of ultimate extinction. The crisis would be past and the institution might be let alone for a hundred years, if it should live so long, in the states where it exists, yet it would be going out of existence in the way best for both the black and the white races. [Great cheering.]

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When I made my speech at Springfield, of which the Judge compalins, and from which he quotes, I really was not thinking of the things which he ascribes to me at all. I had no thought in the world that I was doing anything to bring about a war between the free and slave states. I had no thought in the world that I was doing anything to bring about a political and social equality of the black and white races. It never occurred to me that I was doing anything or favoring anything to reduce to a dead uniformity all the local institutions of the various states. . . . Now my friends I wish you to attend for a little while to one or two other things in that Springfield speech. My main object was to show, so far as my humble ability was capable of showing to the people of this country, what I believed was the truth—that there was a *tendency*, if not a conspiracy among those who have engineered this slavery question for the last four or five years, to make slavery perpetual and universal in this nation.

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I do not say that I *know* such a conspiracy to exist. To that, I reply *I believe it*. If the Judge says that I do *not* believe it, then *he* says what *he* does not know, and falls within his own rule, that he who asserts a thing which he does not know to be true, falsifies as much as he who knowingly tells a falsehood. I want to call your attention to a little discussion on that branch of the case, and the evidence which brought my mind to the conclusion which I expressed as my *belief*. If, in arraying that evidence, I had stated anything which was false or erroneous, it needed but that Judge Douglas should point it out, and I would have taken it back with all the kindness in the world. I do not deal in that way. If I have brought forward anything not a fact, if he will point it out, it will not even ruffle me to take it back. But if he will not point out anything erroneous in the evidence, is it not rather for him to show, by a comparison of the evidence, that I have *reasoned* falsely, than to call the "kind, amiable, intelligent gentleman," a liar? [Cheers and laughter.] If I have reasoned to a false condlusion, it is the vocation of an able debater to show by argument that I have wandered to an erroneous conclusion.

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Now my friends, I have but one branch of the subject, in the little time I have left, to which to call your

attention, and as I shall come to a close at the end of that branch, it is probable that I shall not occupy quite all the time allotted to me. Although on these questions I would like to talk twice as long as I have, I could not enter upon another head and discuss it properly without running over my time. I ask the attention of the people here assembled and elsewhere, to the course that Judge Douglas is pursuing every day as bearing upon this question of making slavery national. Not going back to the records but taking the speeches he makes, the speeches he made yesterday and day before and makes constantly all over the country—I ask your attention to them. In the first place what is necessary to make the institution national? Not war. There is no danger that the people of Kentucky will shoulder their muskets and with a young nigger stuck on every bayonet march into Illinois and force them upon us. There is no danger of our going over there and making war upon them. Then what is necessary for the nationalization of slavery? It is simply the next Dred Scott decision. It is merely for the Supreme Court to decide that no *state* under the Constitution can exclude it, just as they have already decided that under the Constitution neither Congress nor the territorial legislature can do it. When that is decided and acquiesced in, the whole thing is done.

This being true, and this being the way as I think that slavery is to be made national, let us consider what Judge Douglas is doing every day to that end. In the first place, let us see what influence he is exerting on public sentiment. In this and like communities, public sentiment is everything. With public sentiment, nothing can fail; without it nothing can succeed. Consequently he who moulds public sentiment, goes deeper than he who enacts statutes or pronounces decisions. He makes statutes and decisions possible or impossible to be executed. This must be borne in mind, as also the additional fact that Judge Douglas is a man of vast influence, so great that it is enough for many men to profess to believe anything, when they once find out that Judge Douglas professes to believe it. Consider also the attitude he occupies at the head of a large party—a party which he claims has a majority of all the voters in the country. This man sticks to a decision which forbids the people of a territory from excluding slavery, and he does so not because he says it is right in itself—he does not give any opinion on that—but because it has been *decided by the court*, and being decided by the court, he is, and you are bound to take it in your political action as *law*—not that he judges at all of its merits, but because a decision of the court is to him a "*Thus saith the Lord.*" [Applause.] He places it on that ground alone, and you will bear in mind that thus committing himself unreservedly to this decision, *commits him to the next one* just as firmly as to this. He did not commit himself on account of the merit or demerit of the decision, but it is a *Thus saith the Lord.* The next decision, as much as this, will be a *Thus saith the Lord.* There is nothing that can divert or turn him away from this decision. It is nothing that I point out to him that his great prototype, Gen. Jackson, did not believe in the binding force of decisions. It is nothing to him that Jefferson did not so believe. I have said that I have often heard him approve of Jackson's course in disregarding the decision of the Supreme Court pronouncing a national bank constitutional. He says, I did not hear him say so. He denies the accuracy of my recollection. I say he ought to know better than I, but I will make no question about this thing, though it still seems to me that I heard him say it twenty times. [Applause and laughter.] I will tell him though, that he now claims to stand on the Cincinnati platform, which affirms that Congress *cannot* charter a national bank, in the teeth of that old standing decision that Congress *can* charter a bank. [Loud applause.]

And I remind him of another piece of history on the question of respect for judicial decisions, and it is a piece of Illinois history, belonging to a time when the large party to which Judge Douglas belonged, were displeased with a decision of the Supreme Court of Illinois, because they had decided that a governor could not remove a secretary of state. You will find the whole story in Ford's History of Illinois, and I know that Judge Douglas will not deny that he was then in favor of overslaughing that decision by the mode of adding five new judges, so as to vote down the four old ones. Not only so, but it ended in *Judge's sitting down on that very bench as one of the five new judges to break down the four old ones.* [Cheers and laughter.] It was in this way precisely that he got his title of judge. Now, when the Judge tells me that men appointed conditionally to sit as members of a court, will have to be catechised beforehand upon some subject, I say, "You know Judge; you have tried it." [Laughter.] When he says a court of this kind will lose the confidence of all men, will be prostituted and disgraced by such a proceeding, I say, "You know best, Judge; you have been through the mill." [Great laughter.]

But I cannot shake Judge Douglas' teeth loose from the Dred Scott decision. Like some obstinate animal (I mean no disrespect) that will hang on when he has once got his teeth fixed, you may cut off a leg, or you may tear away an arm, still he will not relax his hold. And so I may point out to the Judge, and say that he is bespattered all over, from the beginning of his political life to the present time, with attacks

upon judicial decisions—I may cut off limb after limb of his public record, and strive to wrench him from a single dictum of the court—yet I cannot divert him from it. He hangs to the last, to the Dred Scott decision. [Loud cheers.] These things show there is a purpose *strong as death and eternity* for which he adheres to this decision, and for which he will adhere to *all other decisions* of the same court. [Vociferous applause.]

A HIBERNIAN: Give us something besides Dred Scott.

MR. LINCOLN: Yes; no doubt you want to hear something that don't hurt. [Laughter and applause.] Now, having spoken of the Dred Scott decision, one more word and I am done. Henry Clay, my beau ideal of a statesman, the man for whom I fought all my humble life—Henry Clay once said of a class of men who would repress all tendencies to liberty and ultimate emancipation, that they must, if they would do this, go back to the era of our independence, and muzzle the cannon which thunders its annual joyous return; they must blow out the moral lights around us; they must penetrate the human soul, and eradicate there the love of liberty; and then and not till then, could they perpetuate slavery in this country! [Loud cheers.] To my thinking, Judge Douglas is, by his example and vast influence, doing that very thing in this community, [cheers,] when he says that the negro has nothing in the Declaration of Independence. Henry Clay plainly understood the contrary. Judge Douglas is going back to the era of our Revolution, and to the extent of his ability, muzzling the cannon which thunders its annual joyous return. When he invites any people willing to have slavery, to establish it, he is blowing out the moral lights around us. [Cheers.] When he says he "cares not whether slavery is voted down or voted up"—that it is a sacred right of self-government—he is in my judgment penetrating the human soul and eradicating the light of reason and the love of liberty in this American people. [Enthusiastic and continued applause.] And now I will only say that when, by all these means and appliances, Judge Douglas shall succeed in bringing public sentiment to an exact accordance with his own views—when these vast assemblages shall echo back all these sentiments—when they shall come to repeat his views and to avow his principles, and to say all that he says on these mighty questions—then it needs only the formality of the second Dred Scott decision, which he endorses in advance, to make slavery alike lawful in all the states—old as well as new, North as well as South.

## *Sixth (Lincoln) Debate with Douglas at Quincy,* Illinois, October 13, 1858

### SIXTH DEBATE WITH DOUGLAS AT QUINCY, ILLINOIS

*At Quincy, Lincoln opened the debate. After reviewing the various points discussed in previous meetings, he presented a concise summary of his position.*

October 13, 1858

The Judge in his concluding speech at Galesburg, says that I was pushing this matter to a personal difficulty, to avoid the responsibility for the enormity of my principles. I say to the Judge and to this audience now, that I will again state our principles as well as I hastily can in all their enormity, and if the Judge hereafter chooses to confine himself to a war upon these principles, he will probably not find me departing from the same course.

We have in this nation this element of domestic slavery. It is a matter of absolute certainty that it is a disturbing element. It is the opinion of all the great men who have expressed an opinion upon it, that it is a dangerous element. We keep up a controversy in regard to it. That controversy necessarily springs from difference of opinion, and if we can learn exactly—can reduce to the lowest elements—what that difference of opinion is, we perhaps shall be better prepared for discussing the different systems of policy that we would propose in regard to that disturbing element. I suggest that the difference of opinion, reduced to its lowest terms, is no other than the difference between the men who think slavery a wrong and those who do not think it wrong. The Republican party think it wrong—we think it is a moral, a social and a political wrong. We think it is a wrong not confining itself merely to the persons or the states where it exists, but that it is a wrong in its tendency, to say the least, that extends itself to the existence of the whole nation. Because we think it wrong, we propose a course of policy that shall deal with it as a wrong. We deal with it as with any other wrong, in so far as we can prevent its growing any larger, and so deal with it that in the run of time there may be some promise of an end to it. We have a due regard

to the actual presence of it amongst us and the difficulties of getting rid of it in any satisfactory way, and all the constitutional obligations thrown about it. I suppose that in reference both to its actual existence in the nation, and to our constitutional obligations, we have no right at all to disturb it in the states where it exists, and we profess that we have no more inclination to disturb it than we have the right to do it. We go further than that; we don't propose to disturb it where, in one instance, we think the Constitution would permit us. We think the Constitution would permit us to disturb it in the District of Columbia. Still we do not propose to do that, unless it should be in terms which I don't suppose the nation is very likely soon to agree to—the terms of making the emancipation gradual and compensating the unwilling owners. Where we suppose we have the constitutional right, we restrain ourselves in reference to the actual existence of the institution and the difficulties thrown about it. We also oppose it as an evil so far as it seeks to spread itself. We insist on the policy that shall restrict it to its present limits. We don't suppose that in doing this we violate anything due to the actual presence of the institution, or anything due to the constitutional guarantees thrown around it.

We oppose the Dred Scott decision in a certain way, upon which I ought perhaps to address you a few words. We do not propose that when Dred Scott has been decided to be a slave by the court, we, as a mob, will decide him to be free. We do not propose that, when any other one, or one thousand, shall be decided by that court to be slaves, we will in any violent way disturb the rights of property thus settled; but we nevertheless do oppose that decision as a political rule which shall be binding on the voter, to vote for nobody who thinks it wrong, which shall be binding on the members of Congress or the President to favor no measure that does not actually concur with the principles of that decision. We do not propose to be bound by it as a political rule in that way, because we think it lays the foundation not merely of enlarging and spreading out what we consider an evil, but it lays the foundation for spreading that evil into the states themselves. We propose so resisting it as to have it reversed if we can, and a new judicial rule established upon this subject.

I will add this, that if there be any man who does not believe that slavery is wrong in the three aspects which I have mentioned, or in any one of them, that man is misplaced, and ought to leave us. While, on the other hand, if there be any man in the Republican party who is impatient over the necessity springing from its actual presence, and is impatient of the constitutional guarantees thrown around it, and would act in disregard of these, he too is misplaced standing with us. He will find his place somewhere else; for we have a due regard, so far as we are capable of understanding them, for all these things. This, gentlemen, as well as I can give it, is a plain statement of our principles in all their enormity.

I will say now that there is a sentiment in the country contrary to me—a sentiment which holds that slavery is not wrong, and therefore it goes for policy that does not propose dealing with it as a wrong. That policy is the Democratic policy, and that sentiment is the Democratic sentiment. If there be a doubt in the mind of any one of this vast audience that this is really the central idea of the Democratic party, in relation to this subject, I ask him to bear with me while I state a few things tending, as I think, to prove that proposition. In the first place, the leading man—I think I may do my friend Judge Douglas the honor of calling him such—advocating the present Democratic policy, never himself says it is wrong. He has the high distinction, so far as I know, of never having said slavery is either right or wrong. [Laughter.] Almost everybody else says one or the other, but the Judge never does. If there be a man in the Democratic party who thinks it is wrong, and yet clings to that party, I suggest to him in the first place that his leader don't talk as he does, for he never says that it is wrong. In the second place, I suggest to him that if he will examine the policy proposed to be carried forward, he will find that he carefully excludes the idea that there is anything wrong in it. If you will examine the arguments that are made on it, you will find that every one carefully excludes the idea that there is anything wrong in slavery.

Perhaps that Democrat who says he is as much opposed to slavery as I am, will tell me that I am wrong about this. I wish him to examine his own course in regard to this matter a moment, and then see if his opinion will not be changed a little. You say it is wrong; but don't you constantly object to anybody else saying so? Do you not constantly argue that this is not the right place to oppose it? You say it must not be opposed in the free states, because slavery is not here; it must not be opposed in the slave states, because it is there; it must not be opposed in politics, because that will make a fuss; it must not be opposed in the pulpit, because it is not religon. [Loud cheers.] Then where is the place to oppose it? There is no suitable place to oppose it. There is no place in the country to oppose this evil overspreading the continent, which you say yourself is coming. Frank Blair and Gratz Brown[1] tried to get up a system of gradual emancipation in Missouri, had an election

[1] Blair and Brown were antislavery Republican leaders in Missouri.

in August and got beat, and you, Mr. Democrat, threw up your hat, and halloed "hurrah for Democracy." [Enthusiastic cheers.]

So I say again that in regard to the arguments that are made, when Judge Douglas says he "don't care whether slavery is voted up or voted down," whether he means that as an individual expression of sentiment or only as a sort of statement of his views on national policy, it is alike true to say that he can thus argue logically if he don't see anything wrong in it; but he cannot say so logically if he admits that slavery is wrong. He cannot say that he would as soon see a wrong voted up as voted down. When Judge Douglas says that whoever, or whatever community, wants slaves, they have a right to have them, he is perfectly logical if there is nothing wrong in the institution; but if you admit that it is wrong, he cannot logically say that anybody has a right to do wrong. When he says that slave property and horse and hog property are alike to be allowed to go into the territories, upon the principles of equality, he is reasoning truly, if there is no difference between them as property; but if the one is property, held rightfully, and the other is wrong, then there is no equality between the right and wrong; so that, turn it in any way you can, in all the arguments sustaining the Democratic policy, and in that policy itself, there is a careful, studied exclusion of the idea that there is anything wrong in slavery. Let us understand this. I am not, just here, trying to prove that we are right and they are wrong. I have been stating where we and they stand, and trying to show what is the real difference between us; and I now say that whenever we can get the question distinctly stated—can get all these men who believe that slavery is in some of these respects wrong, to stand and act with us in treating it as a wrong—then, and not till then, I think we will in some way come to an end of this slavery agitation. [Prolonged cheers.]

## *Seventh (Lincoln) Debate with Douglas* at Alton, Illinois, October 15, 1858

### SEVENTH DEBATE WITH DOUGLAS AT ALTON, ILLINOIS

*In the seventh and final debate at Alton, Douglas opened. Lincoln followed with some comments on Douglas' remarks, which are omitted, and then brought the long argument to a close with a superb summation.*

October 15, 1858

The Judge alludes very often in the course of his remarks to the exclusive right which the states have to decide the whole thing for themselves. I agree with him very readily that the different states have that right. He is but fighting a man of straw when he assumes that I am contending against the right of the states to do as they please about it. Our controversy with him is in regard to the new territories. We agree that when the states come is as states they have the right and the power to do as they please. We have no power as citizens of the free states or in our federal capacity as members of the federal Union through the general government, to disturb slavery in the states where it exists. We profess constantly that we have no more inclination than belief in the power of the government to disturb it; yet we are driven constantly to defend ourselves from the assumption that we are warring upon the rights of the *states*. What I insist upon is, that the new territories shall be kept free from it while in the territorial condition. Judge Douglas assumes that we have no interest in them—that we have no right whatever to interfere. I think we have some interest. I think that as white men we have. Do we not wish for an outlet for our surplus population, if I may so express myself? Do we not feel an interest in getting to that outlet with such institutions as we would like to have prevail there? If *you* go to the territory opposed to slavery and another man comes upon the same ground with his slave, upon the assumption that the things are equal, it turns out that he has the equal right all his way and you have no part of it your way. If he goes in and makes it a slave territory, and by consequence a slave state, is it not time that those who desire to have it a free state were on equal ground? Let me suggest it in a different way. How many Democrats are there about here ["a thousand"] who have left slave states and come into the free state of Illinois to get rid of the institution of slavery. [Another voice—"a thousand and one."] I reckon there are a thousand and one. [Laughter.] I will ask you, if the policy you are now advocating had prevailed when this country was in a territorial condition, where would you have gone to get rid of it? [Applause.] Where would you have found your free state or territory to go to? And when hereafter, for any cause, the people in this place shall

desire to find new homes, if they wish to be rid of the institution, where will they find the place to go to? [Loud cheers.]

Now irrespective of the moral aspect of this question as to whether there is a right or wrong in enslaving a negro, I am still in favor of our new territories being in such a condition that white men may find a home—may find some spot where they can better their condition—where they can settle upon new soil and better their condition in life. [Great and continued cheering.] I am in favor of this not merely (I must say it here as I have elsewhere) for our own people who are born amongst us, but as an outlet for *free white people everywhere*, the world over—in which Hans and Baptiste and Patrick, and all other men from all the world, may find new homes and better their conditions in life. [Loud and long continued applause.]

I have stated upon former occasions and I may as well state again, what I understand to be the real issue in this controversy between Judge Douglas and myself. On the point of my wanting to make war between the free and the slave states, there has been no issue between us. So, too, when he assumes that I am in favor of introducing a perfect social and political equality between the white and black races. These are false issues, upon which Judge Douglas has tried to force the controversy. There is no foundation in truth for the charge that I maintain either of these propositions. The real issue in this controversy—the one pressing upon every mind—is the sentiment on the part of one class that looks upon the institution of slavery *as a wrong*, and of another class that *does not* look upon it as a wrong. The sentiment that contemplates the institution of slavery in this country as a wrong is the sentiment of the Republican party. It is the sentiment around which all their actions—all their arguments circle—from which all their propositions radiate. They look upon it as being a moral, social and political wrong; and while they contemplate it as such, they nevertheless have due regard for its actual existence among us, and the difficulties of getting rid of it in any satisfactory way and to all the constitutional obligations thrown about it. Yet having a due regard for these, they desire a policy in regard to it that looks to its not creating any more danger. They insist that it should as far as may be, *be treated* as a wrong, and one of the methods of treating it as a wrong is to *make provision that it shall grow no larger.* [Loud applause.] They also desire a policy that looks to a peaceful end of slavery at some time, as being wrong. These are the views they entertain in regard to it as I understand them; and all their sentiments—all their arguments and propositions are brought within this range. I have said and I repeat it here, that if there be a man amongst us who does not think that the institution of slavery is wrong in any one of the aspects of which I have spoken, he is misplaced and ought not to be with us. And if there be a man amongst us who is so impatient of it as a wrong as to disregard its actual presence among us and the difficulty of getting rid of it suddenly in a satisfactory way, and to disregard the constitutional obligations thrown about it, that man is misplaced if he is on our platform. We disclaim sympathy with him in practical action. He is not placed properly with us.

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On the other hand, I have said there is a sentiment which treats it as *not* being wrong. That is the Democratic sentiment of this day. I do not mean to say that every man who stands within that range positively asserts that it is right. That class will include all who positively assert that it is right, and all who like Judge Douglas treat it as indifferent and do not say it is either right or wrong. . . .The Democratic policy in regard to that institution will not tolerate the merest breath, the slightest hint, of the least degree of wrong about it. Try it by some of Judge Douglas' arguments. He says he "don't care whether it is voted up or voted down" in the territories. I do not care myself in dealing with that expression, whether it is intended to be expressive of his individual sentiments on the subject, or only of the national policy he desires to have established. It is alike valuable for my purpose. Any man can say that who does not see anything wrong in slavery, but no man can logically say it who does see a wrong in it; because no man can logically say he don't care whether a wrong is voted up or voted down. He may say he don't care whether an indifferent thing is voted up or down, but he must logically have a choice between a right thing and a wrong thing. He contends that whatever community wants slaves has a right to have them. So they have if it is not a wrong. But if it is a wrong, he cannot say people have a right to do wrong. He says that upon the score of equality, slaves should be allowed to go in a new territory, like other property. This is strictly logical if there is no difference between it and other property. If it and other property are equal, his argument is entirely logical. But if you insist that one is wrong and the other right, there is no use to institute a comparison between right and wrong. You may turn over everything in the Democratic policy from beginning to end, whether in the shape it takes on the statute book, in the shape it takes in the Dred Scott decision, in the shape it takes in conversation or the shape it takes in short maxim-like arguments—it everywhere carefully excludes the idea that there is anything wrong in it.

That is the real issue. That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles—right and wrong—throughout the world. They are the two principles that have stood face to face from the beginning of time; and will ever continue to struggle. The one is the common right of humanity and the other the divine right of kings. It is the same principle in whatever shape it develops itself. It is the same spirit that says "You work and toil and earn bread, and I'll eat it." [Loud applause.] No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation and live by the fruit of their labor, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle. I was glad to express my gratitude at Quincy, and I re-express it here to Judge Douglas—*that he looks to no end of the institution of slavery*. That will help the people to see where the struggle really is. It will hereafter place with us all men who really do wish the wrong may have an end. And whenever we can get rid of the fog which obscures the real question—when we can get Judge Douglas and his friends to avow a policy looking to its perpetuation—we can get out from among them that class of men and bring them to the side of those who treat it as a wrong. Then there will soon be an end of it, and that end will be its "ultimate extinction." Whenever the issue can be distinctly made, and all extraneous matter thrown out so that men can fairly see the real difference between the parties, this controversy will soon be settled, and it will be done peaceably too. There will be no war, no violence. It will be placed again where the wisest and best men of the world, placed it. Brooks of South Carolina[1] once declared that when this Constitution was framed, its framers did not look to the institution existing until this day. When he said this, I think he stated a fact that is fully borne out by the history of the times. But he also said they were better and wiser men than the men of these days; yet the men of these days had experience which they had not, and by the invention of the cotton gin it became a necessity in this country that slavery should be perpetual. I now say that willingly or unwillingly, purposely or without purpose, Judge Douglas has been the most prominent instrument in changing the position of the institution of slavery which the fathers of the government expected to come to an end ere this—and putting it upon Brooks' cotton gin basis, [Great applause.]— placing it where he openly confesses he has no desire there shall ever be an end of it. [Renewed applause.]

[1] Preston Brooks.

## *Lincoln's Second Inaugural Address*, March 4, 1865

### SECOND INAUGURAL ADDRESS

March 4, 1865

At this second appearing to take the oath of the presidential office, there is less occasion for an extended address than there was at the first. Then a statement, somewhat in detail, of a course to be pursued, seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention, and engrosses the energies of the nation, little that is new could be presented. The progress of the arms, upon which all else chiefly depends, is as well known to the public as to myself; and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this four years ago, all thoughts were anxiously directed to an impending civil war. All dreaded it—all sought to avert it. While the inaugural address was being delivered from this place, devoted together to *saving* the Union without war, insurgent agents were in the city seeking to *destroy* it without war—seeking to dissolve the Union, and divide effects, by negotiation. Both parties deprecated war; but one of them would *make* war rather than let the nation survive; and the other would *accept* war rather than let it perish. And the war came.

One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the Southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was, somehow, the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union, even by war; while the government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war, the magnitude, or the duration, which it has

already attained. Neither anticipated that the *cause* of the conflict might cease with, or even before, the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible, and pray to the same God; and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces; but let us judge not that we be not judged. The prayers of both could not be answered; that of neither has been answered fully. The Almight has His own purposes. "Woe unto the world because of offenses! for it must needs be that offenses come; but woe to that man by whom the offense cometh!" If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South, this terrible war, as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a Living God always ascribe to Him? Fondly do we hope—fervently do we pray—that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue, until all the wealth piled by the bondman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash, shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord, are true and righteous altogether."

With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations.

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**Henry David Thoreau, "Slavery in Massachusetts," in *The Writings of Henry David Thoreau*, Boston, Massachusetts, 1906**

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## SLAVERY IN MASSACHUSETTS[1]

### Henry David Thoreau

I lately attended a meeting of the citizens of Concord, expecting, as one among many, to sperak on the subject of slavery in Massachusetts; but I was surprised and disappointed to find that what had called my townsmen together was the destiny of Nebraska,[225] and not of Massachusetts, and that what I had to say would be entirely out of order. I had thought that the house was on fire, and not the prairie; but though several of the citizens of Massachusetts are now in prison for attempting to rescue a slave from her own clutches, not one of the speakers at that meeting expressed regret for it, not one even referred to it. It was only the disposition of some wild lands a thousand miles off, which appeared to concern them. The inhabitants of Concord are not prepared to stand by one of their own bridges, but talk only of taking up a position on the highlands beyond the Yellowstone river. Our Buttricks, and Davises, and Hosmers are retreating thither, and I fear that they will have no Lexington Common between them and the enemy. There is not one slave in Nebraska; there are perhaps a million slaves in Massachusetts.

They who have been bred in the school of politics fail now and always to face the facts. Their measures are half measures and make-shifts, merely. They put off the day of settlement indefinitely, and meanwhile, the debt accumulates. Though the Fugitive Slave Law had not been the subject of discussion on that occasion, it was at length faintly resolved by my townsmen, at an adjourned meeting, as I learn, that the compromise compact of 1820 having been repudiated by one of the parties, 'Therefore,. . .the Fugitive Slave Law must be repealed.' But this is not the reason why an iniquitous law should be repealed. The fact which the politician faces is merely, that there is less honor among thieves than was supposed, and not the fact that they are thieves.

As I had no opportunity to express my thoughts at that meeting, will you allow me to do so here?

Again it happens that the Boston Court House is full of armed men, holding prisoner and trying a MAN, to find out if he is not really a SLAVE. Does any one think that Justice of God awaits Mr. Loring's decision? For him to sit there deciding still, when this question is already decided from eternity to eternity, and the unlettered slave himself, and the multitude around, have long since heard and assented to the decision, is simply to make himself ridiculous. We may be tempted to ask from whom he received his commission, and who he is that received it; what novel

statutes he obeys, and what precedents are to him of authority. Such an arbiter's very existence is an impertinence. We do not ask him to make up his mind, but to make up his pack.

I listen to hear the voice of a Governor,[227] Commander-in-Chief of the forces of Massachusetts. I hear only the creaking of crickets and the hum of insects which now fill the summer air. The Governor's exploit is to review the troops on muster days. I have seen him on horseback, with his hat off, listening to a chaplain's prayer. It chances that is all I have ever seen of a Governor. I think that I could manage to get along without one. If *he* is not of the least use to prevent my being kidnapped, pray of what important use is he likely to be to me? When freedom is most endangered, he dwells in the deepest obscurity. A distinguished clergyman told me that he chose the profession of a clergyman, because it afforded the most leisure for literary pursuits. I would recommend to him the profession of a Governor.

Three years ago, also, when the Simm's tragedy[228] was acted, I said to myself, there is such an officer, if not such a man, as the Governor of Massachusetts,—what has he been about the last fortnight? Has he had as much as he could do to keep on the fence during this moral earthquake? It seemed to me that no keener satire could have been aimed at, no more cutting insult have been offered to that man, than just what happened—the absence of all inquiry after him in that crisis. The worst and the most I chance to know of him is, that he did not improve that opportunity to make himself known, and worthily known. He could at least have *resigned* himself into fame. It appeared to be forgotten that there was such a man, or such an office. Yet no doubt he was endeavoring to fill the gubernatorial chair all the while. He was no Governor of mine. He did not govern me.

But at last, in the present case, the Governor was heard from. After he and the United States Government had perfectly succeeded in robbing a poor innocent black man of his liberty for life, and, as far as they could, of his Creator's likeness in his breast, he made a speech to his accomplices, at a congratulatory supper!....

The whole military force of the State is at the service of a Mr. Suttle, a slaveholder from Virginia, to enable him to catch a man whom he calls his property;but not a soldier is offered to save a citizen of Massachusetts from being kidnapped! Is this what all these soldiers, all this *training* has been for these seventy-nine years past? Have they been trained merely to rob Mexico, and carry back fugitive slaves to their masters?

These very nights, I heard the sound of a drum in our streets. There were men *training* still; and for what? I could with an effort pardon the cockerels of Concord for crowing still, for they, perchance, had not been beaten that morning; but I could not excuse this rub-a-dub of the 'trainers.' The slave was carried back by exactly such as these, i.e., by the soldier, of whom the best you can say in this connection is, that he is a fool made conspicuous by a painted coat.

Three years ago, also, just a week after the authorities of Boston assembled to carry back a perfectly innocent man, and one whom they knew to be innocent, into slavery, the inhabitants of Concord caused the bells to be rung and the cannons to be fired, to celebrate their liberty—and the courage and love of liberty of their ancestors who fought at the bridge. As if *those* three millions had fought for the right to be free themselves, but to hold in slavery three millions others. Now-a-days, men wear a fool's cap, and call it a liberty cap. I do not know but there are some, who, if they were tied to a whipping-post, and could get but one hand free, would use it to right the bells and fire the cannons, to celebrate *their* oiberty. So some of my townsmen took the liberty to ring and fire; that was the extent of their freedom; and when the sound of the bells died away, their liberty died away also; when the powder was all expended, their liberty went off with the smoke.

The joke could be no broader, if the inmates of the prisons were to subscribe for all the powder to be used in such salutes, and hire the jailors to do the firing and ringing for them, while they enjoyed it through the grating.

This is what I thought about my neighbors.

Every humane and intelligent inhabitant of Concord, when he or she heard those bells and those cannons, thought not with pride of the events of the 19th of April, 1775, but with shame of the events of the 12th of April, 1851. But now we have half buried that old shame under a new one.

Massachusetts sat waiting Mr. Loring's decision, as if it could in any way affect her own criminality. Her crime, the most conspicuous and fatal crime of all, was permitting him to be the umpire in such a case. It was really the trial of Massachusetts. Every moment that she hesitated to set this man free—every moment that she now hesitates to atone for her crime, she is convicted. The Commissioner on her case is God; not Edward G. God, but simple God.

I wish my countrymen to consider, that whatever the human law may be, neither an individual nor a nation can ever commit the least act of injustice against the obscurest individual, without having to pay the penalty for it. A government which deliberately enacts injustice, and persists in it, will at length ever become the laughing-stock of the world.

Much has been said about American slavery, but I think that we do not even yet realize what slavery is. If I were seriously to propose to Congress to make mankind into sausages, I have no doubt that most of the members would smile at my proposition, and if any believed me to be in earnest, they would think that I proposed something much worse than Congress had ever done. But if any of them will tell me that to make a man into a sausage would be much worse, —would be any worse, than to make him into a slave, —than it was to enact the Fugitive Slave Law, I will accuse him of foolishness, of intellectual incapacity, of making a distinction without a difference. The one is just as reasonable a proposition as the other.

I hear a good deal said about trampling this law under foot. Why, one need not go out of his way to do that. This law rises not to the level of the head or the reason; its natural habitat is in the dirt. It was born and bred, and has its life only in the dust and mire, on a level with the feet, and he who walks with freedom, and does not with Hindoo mercy avoid treading on every venomous reptile, will inevitably tread on it, and so trample it under foot,—and Webster, its maker, with it, like the dirt-bug and its ball.

Recent events will be valuable as a criticism on the administration fo justice in our midst, or, rather, as showing what are the true resources of justice in any community. It has come to this, that the friends of liberty, the friends of the slave, have shuddered when they have understood that his fate was left to the legal tribunals of the country to be decided. Free men have no faith that justice will be awarded in such a case; the judge may decide this way or that; it is a kind of accident, at best. It is evident that he is not a competent authority in so important a case. It is no time, then, to be judging according to his precedents, but to establish a precedent for the future. I would much rather trust to the sentiment of the people. In their vote, you would get something of some value, at least, however small; but, in the other case, only the trammelled judgment of an individual, of no significance, be it which way it might.

It is to some extent fatal to the courts, when the people are compelled to go behind them. I do not wish to believe that the courts were made for fair weather, and for very civil cases merely,—but think of leaving it to any court in the land to decide whether more than three millions of people, in this case, a sixth part of a nation, have a right to be freemen or not! But it has been left to the courts of *justice*, so-called—to the Supreme Court of the land—and, as you all know, recognizing no authority but the Constitution, it has decided that the three millions are, and shall continue to be, slaves, Such judges as these are merely the inspectors of a pick-lock and murderer's tools, to tell him whether they are in working order or not, and there they think that their responsibility ends. There was a prior case on the docket, which they, as judges appointed by God, had no right to skip; which having been justly settled, they would have been saved from this humiliation. It was the case of the murderer himself.

The law will never make men free; it is men who have got to make the law free. They are the lovers of law and order, who observe the law when the government breaks it. . . .

The majority of the men of the North, and of the south, and East, and West, are not men of principle. If they vote, they do not send men to Congress on errands of humanity, but while their brothers and sisters are being scourged and hung for loving liberty, while—I might here insert all that slavery implies and is—it is the mismanagement of wood and iron and stone and gold which concerns them. Do what you will, O Government! with my wife and children, my mother and brother, my father and sister, I will obey your commands to the letter. It will indeed grieve me if you hurt them, if you deliver them to overseers to be hunted by houds or to be whipped to death; but nevertheless, I will peaceably pursue my chosen calling on this fair earth, until perchance, one day, when I have put on mourning for them dead, I shall have persuaded you to relent. Such is the attitude, such are the words of Massachusetts.

Rather than do thus, I need not say what match I would touch, what system endeavor to blow up,—but as I love my life, I would side with the light, and let the dark earth roll from under me, calling my mother and my brother to follow.

I would remind my countrymen, that they are to be men first, and Americans only at a late and convenient hour. No matter how valuable law may be to protect your property, even to keep soul and body together, if it do not keep you and humanity together.

I am sorry to say, that I doubt if there is a judge in Massachusetts who is prepared to resign his office, and get his living innocently, whenever it is required of him to pass sentence under a law which is merely contrary to the law of God. I am compelled to see that they put themselves, or rather, are by character, in this respect, exactly on a level with the marine who discharges his musket in any direction he is ordered to. They are just as much tools and as little men. Certainly, they are not the more to be respected, because their master enslaves their understandings and consciences, instead of their bodies.

The judges and lawyers,—simply as such, I mean,—and all men of expediency, try this case by a very low and incompetent standard. They consider, not

whether the Fugitive Slave Law is right, but whether it is what they call *constitutional*. Is virtue constitutional, or vice? Is equity constitutional, or iniquity? In important moral and vital questions like this, it is just as impertinent to ask whether a law is constitutional or not, as to ask whether it is profitable or not. They persist in being the servants of the worst of men, and not the servants of humanity. The question is not whether you or your grandfather, seventy years ago, did not enter into an agreement to serve the devil, and that service is not accordingly now due; but whether you will not now, for once and at last, serve God,—in spite of your own past recreancy, or that of your ancestor,—by obeying that eternal and only just CONSTITUTION, which He, and not any Jefferson or Adams, has written in your being.

The amount of it is, if the majority vote the devil to be God, the minority will live and behave accordingly, trusting that some time or other, by some Speaker's casting vote, perhaps, they may reinstate God. This is the highest principle I can get out of or invent for my neighbors. These men act as if they believed that they could safely slide down hill a little way—or a good way—and would surely come to a place, by and by, where they could begin to slide up again. This is expediency, or choosing that course which offers the slightest obstacles to the feet, that is, a down-hill one. But there is no such thing as accomplishing a righteous reform by the use of 'expediency.' There is no such thing as sliding up hill. In morals, the only sliders are backsliders.

Thus we steadily worship Mammon, both School, and State, and Church, and the Seventh Day curse God with a tintamar from one end of the Union to the other.

Will mankind never learn that policy is not morality—that it never secures any moral right, but considers merely what is expedient? chooses the available candidate, who is invariably the devil,—and what right have his constituents to be surprised, because the devil does not behave like an angel of light? What is wanted is men, not of policy, but of probity—who recognize a higher law than the Constitution, or the decision of the majority. The fate of the country does not depend on how you vote at the polls—the worst man is as strong as the best at that game; it does not depend on what kind of paper you drop into the ballot-box once a year, but on what kind of man you drop from your chamber into the street every morning.

What should concern Massachusetts is not the Nebraska Bill, nor the Fugitive Slave Bill, but her own slaveholding and servility. Let the State dissolve her union with the slaveholder. She may wriggle and hesitate, and ask leave to read the Constitution once more; but she can find no respectable law or precedent which sanctions the continuance of such a Union for an instant.

Let each inhabitant of the State dissolve his union with her, as long as she delays to do her duty.

# "THE ETHICS OF GOOD CITIZENSHIP"

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In *Habits of the Heart*, Robert Bellah traces strands of what he identifies as "republican," "biblical," "utilitarian individualist," and "expressive individualist" conceptions of good citizenship. The Graeco-Roman republican tradition presupposes that the citizens of a republic are motivated more by the joint requirements of their community than by their own separate interests. This republican tradition in turn is related to a biblical tradition; a tradition that is carried primarily, though not exclusively, by Jewish and Christian communities, especially those Protestant denominations that rely on the metaphor of the Body of Christ. Significantly, both the republican and the biblical tradition are at odds with the utilitarian individualism of John Locke, who not only celebrated individual liberty but also glorified property rights and the somewhat defiant voice of conscience. More than anyone else, John Locke is viewed as the source of the founding fathers' ideology. Writes Carl Becker:

> The lineage is direct: Jefferson copied Locke and Locke quoted Hooker. In political theory and in political practice the American Revolution drew its inspiration from the parliamentary struggle of the seventeenth century. The philosophy of the Declaration was not taken from the French. It was not even new; but good old English doctrine newly formulated to meet a present emergency. (Carl Becker, *The Declaration of Independence* [1922], p. 79.)

If Becker is correct, and if Locke, unlike the bearers of the republican and biblical traditions, believed that a good citizen is first an individual, and only secondly a member of a community, then our understanding of the good citizen is inherently complex. Although republican and biblical strands of good citizenship appear in the works of John Winthrop and Thomas Jefferson, they are largely overshadowed by the utilitarian individualism of Benjamin Franklin. For Franklin, America was the land of opportunity, of making something out of nothing. Farmers and merchants were to measure their goodness in terms of their economic success, precisely the type of material success least valorized by the republican and biblical tradition. The good citizen is, according to Franklin, "healthy, wealthy, and wise" because he "ploughs deep, while sluggards sleep."

Largely in reaction to this materialistic and somewhat pedestrian view of good citizenship, another tradition—what Bellah terms "expressive individualism"—emerged. Emerson, Thoreau, and especially Walt Whitman, defined the good not as material success but as a life rich in relatedness to one's inner self, to others, and to nature.

If we combine expressive individualism with utilitarian individualism, the biblical tradition, and the republican tradition, we must conclude that it is enormously difficult to be a good American citizen. Seemingly, the citizen who would be good is continually struggling to strike the mean between a communitarianism that could easily degenerate into totalitarianism and an individualism that could rapidly disintegrate into atomism, all the while trying to steer between the Scylla of an overly crass materialism and the Charybdis of an excessively ethereal idealism.

In general, when we discuss good citizenship, the terms "rights" and "obligations" immediately crop up. By "rights" we generally mean the legal, political, and socioeconomic prerogatives that citizens enjoy because of the collective action of the political system. Among our rights all of us count worship; the vote, and free speech. In addition to these rights, most of us believe that we are entitled to some measure of education, health care, and welfare support. By "obligations" are meant the contributions and sacrifices a citizen makes to keep the political system effective. Here we immediately think of paying taxes; military service, voting, and jury duty, forgetting that good citizens are also under an obligation to educate their families, to join voluntary associations, and to promote the welfare of the community. Currently, Americans are much more cognizant of their rights than their duties, a consciousness that distinguishes us moderns from the ancients and that causes us, sometimes hastily, to take the side of the individual over that of the community.

Although the topic of rights is almost limitless, one approach to it is to reflect upon the way in which rights are identified and promulgated. An excellent place to begin is with the 1776-1791 debate on the Bill of Rights. The classic case against the amendment of the Constitution by a Bill of Rights came from the pen of Alexander Hamilton, who argued that the measure was *unnecessary*, *dangerous*, and *inefficacious*. Initially, James Madison agreed with Hamilton but, under the influence of Jefferson, Madison eventually conceded that a Bill of Rights was necessary, salutary,

and efficacious. By reading the founding fathers' debates on the Bill of Rights, we are able to appreciate what it means for good citizens to take their rights seriously. We are also able to fathom the dynamics of the amendment process and to understand why some proposed rights—for example, the Equal Rights Amendment—fail to gather enough support.

If it is important for good citizens to guard their rights jealously, it is equally important for them to realize the limits of those rights. Citizens sometimes take their own rights too seriously. Although we are influenced here once again by John Locke, and the founding fathers, we are even more influenced by the English philosopher, John Stuart Mill. In *On Liberty*, Mill argues that, so long as citizens do not harm others, they may do as they please even if others regard what they do as immoral or offensive. The problem with this fierce individualism is that it quickly blinds citizens to the limits of their rights. We see this blindness at work in the current debate about pornography, a debate that goes back to at least Anthony Comstock's time. "Is freedom of speech so absolute that I am entitled to unlimited access to pornographic material, no matter how harmful it is to me or how immoral or offensive my fellow citizens find it? And even if I am, legally speaking, entitled to be as immoral and offensive as I please when it comes to pornography, am I acting as a good citizen when I insist on having things my way (the 'Burger King' credo), no matter how much my way thwarts your way?" By studying several pornography cases as well as the original Comstock Act, we see that good citizens are continually asked to rethink the limits of their rights.

So preoccupied are we American citizens with our rights, that we frequently limit our obligations as good citizens to voting, paying taxes, and military service. We forget about our obligation to educate our children, to participate in voluntary associations, and to work towards the common good. Increasingly, we act as if "getting involved" is something beyond and over a citizen's duty. This is most unfortunate. If good parents do not limit their parental duties to feeding, clothing, and sheltering their children, then good citizens must be careful not to set the requirements of citizenship so low that they retreat into an Epicurean garden of delights from which they emerge but once a year to vote or every quarter century or so to wage war. De Tocqueville believed that one of the major causes of America's success was the capacity of its citizens to join together:

> As soon as several of the inhabitants of the United States have taken up an opinion or a feeling which they wish to promote in the world, they look out for mutual assistance; and as soon as they have found one another out, they combine. From the moment they are no longer isolated men, but a power seen from afar, whose actions serve for an example and whose language is listened to. (p. 117)

"Getting involved" is, in short, a way for citizens to counterbalance excessive self-seeking. We are reminded here of William James' argument that national service is not only the moral equivalent of military service but also a technique to develop the moral consciousness of a society.

Even more important than the obligation to obey is the citizen's obligation not to obey. There is in America a powerful tradition of civil disobedience and conscientious objection. We may think here of Thoreau, of Martin Luther King, Jr., and of the Vietnam War protestors; but we should also think of groups like the Dutch Amish who contend that public education beyond age 14 is not proper because it interferes with parental influence on their children's character. Although dissent can degenerate into mere defiance, it need not. In general, the good citizen believes that it is better to question authority than to see no evil, hear no evil, speak no evil.

For too long we have confined the moral life to exercising rights and to fulfilling obligations, but there is more to the moral life than rules. There is the realm of virtue, of practices, and of institutions. In his book, *After Virtue*, Alasdair MacIntyre defines a practice as a cooperative human activity which has its own standards of excellence. Teaching; doctoring, lawyering, making and maintaining not only family life but also civic life, these are all practices. Sometimes they serve external goods, as when a person pursues an art or science for money; but they require for their well-being an understanding of those satisfactions which are inherent to them. Truly great musicians, political leaders, and teachers are motivated by more than the prospects of profit, power, and prestige. What drives them on is a desire to excel at what they are doing and a sense of commitment to those for whom they do it.

For MacIntyre, a virtue is an acquired human quality, the possession and exercise of which tends to enable us to achieve those goods that are internal to practices, and the lack of which effectively prevents us from achieving any such goods. Writes MacIntyre:

> It belongs to the concept of a practice as I have outlined it...that its goods can only be achieved by subordinating ourselves to the best standard so far achieved, and that entails subordinating ourselves within the practice in our relationship to other practitioners. We have to learn to recognize what is due to whom; we have to

> be prepared to take whatever self-endangering risks are demanded along the way; and we have to listen carefully to what we are told about our own inadequacies and to reply with the same carefulness for the facts. In other words, we have to accept as necessary components of any practice with internal goods and standards of excellence the virtues of *justice*, *courage*, and *honesty*. (After Virtue)

Significantly, justice, courage, and honesty are all virtues we associate with good citizenship. But if we read Locke's thoughts on education, Franklin's autobiography, and Emerson's essays, we will be introduced to a panoply of virtues that will suggest to us the complexity of the good American citizen's character. Locke's virtues are courage, civility, liberality, justice, self-denial, and, interestingly, "crying" (compassion, human-heartedness). The virtues that Franklin lists are predominantly those of the utilitarian individualist "dressing for success:" temperance, silence, order, resolution, frugality, industry, sincerity, justice, moderation, cleanliness, tranquility, chastity, and humility. In contrast, the virtues that Emerson lists are the virtues of the expressive individualist: self-reliance, love, friendship, prudence, and heroism. Given this conception of virtues, we begin to appreciate the difficulty of identifying *the essential American* virtues.

But even if it is difficult to rank American virtues in order of their importance, basic virtues like justice, caring, individuality/integrity, and tolerance/friendship have a long history in our culture. In recent debates between Lawrence Kohlberg and Carol Gilligan on moral development, Gilligan has argued that the two basic ways in which to approach the moral life are through the competing, though complementary, paradigms of care and justice. Whereas "the caring paradigm is one of a concrete web of human relationships woven together with blood, sweat, tears and toil, the justice paradigm is one of universal rules and principles, of abstract entitlements and enforcements." There are, of course, numerous ways in which these two paradigms play themselves out in the lives of good American citizens. In order to underscore the "abstractness" of the justice approach and the "concreteness" of the care approach, however, we study justice here as it plays itself out in the courts with reference to school desegregation and affirmative action, while we study care as it manifests itself in the daily life of Jane Addams at Hull House, a center for immigrants during the "Progressive Era."

As basic as caring and justice are, just as basic to the virtuous life are those qualities of character that cluster around individuality/integrity on the one hand and tolerance/friendship/community on the other hand. Americans take considerable pride in their individuality. Each of us likes to think of him or herself as standing out in a crowd, as making a difference, as being special in one way or another, as being a unique blend of head and heart. It is important, then, that the good American citizen understands the difference between individuality as idiosyncrasy (the mere ability to be different) and individuality as integrity (the ability to fit together the disjointed pieces of one's life into a meaningful whole). Likewise, it is important for the good citizen not only to appreciate the difference between a virtue like tolerance and a virtue like friendship, but also to realize that if tolerance was the virtue we needed in the late nineteenth and early twentieth centuries as the "melting pot" boiled and bubbled, friendship is the virtue we most need in the second half of the twentieth century. It may no longer be enough for us to tolerate each other, to "put up" with our differences. What many of us want is for "the other" not simply to tolerate our difference but to celebrate it in friendship.

Finally, if we are concerned about the ethics of good citizenship as teachers, and if we are cognizant of the problems that can result both when we do teach values and when we don't teach values, we have to seriously confront (1) whether we *can* teach virtues/values and (2) whether we *should* teach virtues/values. Of course, if we come to the conclusion that we both can and should teach values, we must then determine what values we should teach. This course points out *some* of the virtues we Americans can embrace with the possessive modifier "our," but it is merely a partial, provisional, and suggestive foray into the relatively unexamined territory of American values. We can and certainly should construct an ethics for good American citizens, but we need to converse with each other seriously and strenuously before we can be at all confident that we have accomplished this most vital task.

## READINGS

**Weeks 1 and 2** *The Idea of Good Citizenship*

**Week 1** *The Idea of Good Citizenship: Some Classical and Modern English Roots*

***Primary Readings***

Plato, *The Republic*, trans. by Francis M. Cornford (New York: Oxford University Press, 1977): pp. 119-128, 129-138, 139-143.

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Henry Bullinger, *The Decades*, edited for the Parker Society by Thomas Harding, Parker Society, *Publications* (Cambridge, England: 1749): Vol. VII, pp. 279-281, 314-318, 323-328, 337-344.

John Locke, *The Second Treatise of Government* edited by Thomas P. Peardon (Indianapolis: Bobbs-Merrill, 1952): pp. 44-73.

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Jean Bethke Elshtain, *Public Man, Private Woman* (Princeton: Princeton University Press, 1981).

**Week 2** *The Idea of Good American Citizenship*

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John Winthrop, "A Model of Christian Charity," from *Winthrop Papers*, II, pp. 282-295 in *Puritan Political Ideas*, edited by Edmund S. Morgan (Indianapolis: Bobbs-Merrill Co., 1965): pp. 75-93.

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**Weeks 3, 4, & 6** *The Rights and Obligations of Citizenship*

**Week 3** *The Practice of Good Citizenship: What Rights Do We Have?*

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North Carolina Convention (August 1, 1788).

*Amendments Offered in Congress by Madison (June 8, 1789).

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*Amendment Passed by the House of Representatives (August 24, 1789).

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Mary Frances Berry, *Why the ERA Failed: Politics, Women's Rights, and the Amending Process of the Constitution* (Bloomington: Indiana University Press, 1986): pp. 56-85.

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Jane J. Mansbridge, *Why We Lost the ERA* (Chicago: University of Chicago Press, 1986).

**Week 4** *The Practice of Good American Citizenship: Rights and Self-Restraint*

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*Comstock Act* (1873).

*Roth v. United States*, 354 U.S. 476 (1957).

*All of these primary sources are conveniently located in the appendices of Edward Dumbould, *The Bill of Rights and What It Means Today* (Norman: University of Oklahoma Press, 1957).

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David A.J. Richards, *The Moral Criticism of Law* (Belmont: Dickenson Publishing Co., Inc., 1977): pp. 56-77.

Catharine A. MacKinnon, *Feminism Unmodified* (Cambridge: Harvard University Press, 1987): pp. 146-162; 198-214.

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Fred R. Berger, *Freedom of Expression* (Belmont: Wadsworth Publishing Co., 1980).

**Week 5** *The Practice of Good American Citizenship: On Doing More Than the Bare Minimum*

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William James, *The Moral Equivalent of War*, International Conciliation, No. 27 (New York: Carnegie Endowment for International Peace, 1910): pp. 3-23.

Jane Addams, *Twenty Years at Hull-House* (New York: MacMillan, 1910): pp. 310-370.

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Robert Bellah, et al., *Habits of the Heart* (New York: Harper & Row, Publisher): pp. 167-195.

Morris Janowitz, *The Reconstruction of Patriotism: Education for Civic Consciousness* (Chicago: University of Chicago Press, 1983): pp. 170-191.

George Kateb, "Some Remarks on de Tocqueville's Views of Voluntary Associations," in *Voluntary Association*, edited by Ronald Pennoch and John W. Chapman (New York: Lieber-Alberton, 1969): pp. 138-146.

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**Week 6** *The Practice of Good Citizenship: On Knowing When to Say No*

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*Henry David Thoreau, Miscellanies*, with a biographical sketch by Ralph Waldo Emerson (Boston: Houghton, Mifflin & Co., 1893): pp. 131-172.

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*Tinker v. Des Moines Independent Community District*, 343 U.S. 503 (1969).

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Walter Berns, *In Defense of Liberal Education* (Chicago, Gateway Editions, 1984): pp. 299-332.

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Hannah Arendt, *Crisis of the Republic* (New York: Harcourt, Brace, Jovanovich, Inc. 1972): pp. 49-102.

Peter Singer, *Democracy and Disobedience* (New York: Oxford University Press, 1974).

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**Weeks 7, 8 9, 10 & 11** *Virtue and the Citizen*

**Week 7** *Virtue and the Good American Citizen: A General Survey*

*Letters of Thomas Jefferson to Thomas Mann Randolph, Jr., August 27, 1786; Peter Carr, with Enclosure, August 10, 1787; Martha Jefferson, March 28, 1787; Nathaniel Burwell, March 14, 1818; Thomas Jefferson Randolph, November 24, 1808.

John Locke, "Some Thoughts Concerning Education," pp. 103-132 in *The Educational Writings of John Locke*, edited by James L. Axtell (Cambridge, England: 1968).

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Ralph Waldo Emerson, *Essays* (Boston: Houghton, Mifflin & Co., 1876): pp. 207-230.

Henry David Thoreau, *Miscellanies*, with a biographical sketch by Ralph Waldo Emerson (Boston: Houghton, Mifflin & Co., 1893): pp. 253-288.

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Joel Feinberg, *Moral Concepts* (Oxford, England: Oxford University Press, 1969): Selections 5-7, 9, and 11.

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Philippa Foot, *Virtues and Vices* (Oxford, England: Basil Blackwell, 1978): Chapter 1.

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**Week 8** *Justice and the Good American Citizen: Justice and the Kind of Education We Owe Every American No Matter the Color of His/Her Skin*

***Primary Readings***

Aristotle, *Nicomachean Ethics*, Book V, W.D. Ross, trans. in *The Oxford Translation of Aristotle*, edited by W.D. Ross, Vol. IX (Oxford: Clarendon Press, 1925).

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*Brown v. Board of Education of Topeka*, 347 U.S. 483; 74 S. Ct. 686; 98 L. Ed. 873 (1954).

*United States Supreme Court Reports, Swann, et al. v. Charlotte-Mecklenberg Board of Education, et al.*, 402 U.S. 1 (1971). Washington, D.C.: U.S. Government Printing Office, 1972.

Justice Thurgood Marshall, from Dissenting Opinion, *Regents of the University of California v. Allan Bakke*, U.S. Supreme Court, 1978.

Justice Potter Stewart, from Dissenting Opinion, *Fullilone v. Klutznick*, U.S. Supreme Court, 1980.

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Lawrence Kohlberg, "Education for Justice: A Modern Statement of the Socratic View," in *The Philosophy of Moral Development* (New York: Harper & Row, 1981): pp. 29-48.

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Donald M. Levine and Mary Jo Bane, eds., *The "Inequality" Controversy: Schooling and Distributive Justice* (New York: Basic Books, 1975).

**Week 9** *Caring and the Good American Citizen*

***Primary Readings***

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Henry Steele Commager, Foreward to Jane Addams' *Twenty Years at Hull House* (New York: New American Library of World Literature, 1961): pp. vii-xvi.

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Jean Bethke Elshtain, *Meditations on Modern Political Thought* (New York: Praeger, 1986): pp. 71-84.

Jill Conway, "Jane Addams: An American Heroine," *Daedelus* 93 (Spring, 1964): pp. 761-780.

Mary Fainsod Katzenstein and David D. Laiten, "Politics, Feminism, and the Ethics of Care" in *Women and Moral Theory*, edited by Eva Feder Kittay and Diana T. Meyers (Totowa, New Jersey: Rowman and Littlefield, 1983).

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Jane Roland Martin, *Reclaiming A Conversation* (New Haven: Yale University Press, 1985): pp. 103-170.

**Week 10** *The Good American Citizen: On Making the Leap from Idiosyncrasy to Integrity*

***Primary Readings***

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Ralph Waldo Emerson, *Essays* (Boston: Houghton, Mifflin & Co., 1876): pp. 45-88.

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Robert Bellah, et al., *Habits of the Heart* (New York: Harper & Row Publishers, 1986): pp. 142-166.

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**Week 11** *The Good American Citizen: On Making the Leap from Tolerance to Friendship*

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**Week 12** *On Teaching Virtues and Values: Helping American Citizens Make Themselves Good*

***Primary Readings***

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Horace Mann, *Lectures and Annual Reports on Education* (Cambridge: Published for the Editor, 1867): pp. 191-240; 275-296.

John Dewey, *Democracy and Education* (New York: The MacMillan Co., 1919): pp. 402-418.

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Lawrence Kohlberg, "Indoctrination Versus Relativity in Value Education," in *The Philosophy of Moral Development*, edited by Lawrence Kohlberg (New York: Harper & Row, 1981): pp. 6-28.

Bill Honig, *Last Chance for Our Children: How You Can Help Save Our Schools* (Addison-Wesley) sections related to teaching values.

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B.A. Hinsdale, *Horace Mann and the Common School Revival in the United States* (New York: Charles Scribner's Sons, 1900): pp. 210-232.

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**William James, *"The Moral Equivalent of War,"* in International Conciliation, No. 27, Carnegie Endowment for International Peace, 1910**

## THE MORAL EQUIVALENT OF WAR

### William James

The war against war is going to be no holiday excursion or camping party. The military feelings are too deeply grounded to abdicate their place among our ideals until better substitutes are offered than the glory and shame that come to nations as well as to individuals from the ups and downs of politics and the vicissitudes of trade. There is something highly paradoxical in the modern man's relation to war. Ask all our millions, north and south, whether they would vote now (were such a thing possible) to have our war for the Union expunged from history, and the record of a peaceful transition to the present time substituted for that of its marches and battles, and probably hardly a handful of eccentrics would say yes. Those ancestors, those efforts, those memories and legends are the most ideal part of what we now own together, a sacred spiritual possession worth more than all the blood poured out. Yet ask those same people whether they would be willing in cold blood to start another civil war now to gain another similar

possession, and not one man or women would vote for the proposition. In modern eyes, precious though wars may be, they must not be waged solely for the sake of the ideal harvest. Only when forced upon one, only when an enemy's injustice leaves us no alternative, is a war now thought permissible.

It was not thus in ancient times. The earlier men were hunting men, and to hunt a neighboring tribe, kill the males, loot the village and possess the females, was the most profitable, as well as the most exciting, way of living. Thus were the more martial tribes selected, and in chiefs and peoples a pure pugnacity and love of glory came to mingle with the more fundamental appetite for plunder.

Modern war is so expensive that we feel trade to be a better avenue to plunder; but modern man inherits all the innate pugnacity and all the love of glory of his ancestors. Showing war's irrationality and horror is of no effect upon him. The horrors make the fascination. War is the *strong* life; it is life *in extremis*; war-taxes are the only ones men never hesitate to pay, as the budgets of all nations show us.

History is a bath of blood. The Iliad is one long recital of how Diomedes and Ajax, Sarpedon and Hector *killed*. No detail of the wounds they made is spared us, and the Greek mind fed upon the story. Greek history is a panorama of jingoism and imperialism—war for war's sake, all the citizens being warriors. It is horrible reading, because of the irrationality of it all—save for the purpose of making "history"—and the history is that of the utter ruin of a civilization in intellectual respects perhaps the highest the earth has ever seen.

Those wars were purely piratical. Pride, gold, women, slaves, excitement, were their only motives. In the Peloponnesian war, for example, the Athenians ask the inhabitants of Melos (the island where the "Venus of Milo" was found, hitherto neutral,) to own their lordship. The envoys meet, and hold a debate which Thucydides gives in full, and which, for sweet reasonableness of form, would have satisfied Matthew Arnold. "The powerful exact what they can," said the Athenians, "and the weak grant what they must." When the Meleans say that sooner than be slaves they will appeal to the gods, the Athenians reply: "Of the gods we believe and of men we know that, by a law of their nature, wherever they can rule they will. This law was not made by us, and we are not the first to have acted upon it; we did but inherit it, and we know that you and all mankind, if you were as strong as we are, would do as we do. So much for the gods; we have told you why we expect to stand as high in their good opinion as you." Well, the Meleans still refused, and their town was taken. "The Athenians," Thucydides quietly says, "Thereupon put to death all who were of military age and made slaves of the women and children. They then colonized the island, sending thither five hundred settlers of their own."

Alexander's career was piracy pure and simple, nothing but an orgy of power and plunder, made romantic by the character of the hero. There was no rational principle in it, and the moment he died his generals and governors attacked one another. The cruelty of those times is incredible. When Rome finally conquered Greece, Paulus Aemilius, was told by the Roman Senate to reward his soldiers for their toil by "giving" them the old kingdom of Epirus. They sacked seventy cities and carried off a hundred and fifty thousand inhabitants as slaves. How many they killed I know not; but in Etolia they killed all the senators, five hundred and fifty in number. Brutus was "the noblest Roman of them all," but to reanimate his soldiers on the eve of Philippi he similarly promises to give them the cities of Sparta and Thessalonica to ravage, if they win the fight.

Such was the gory nurse that trained societies to cohesiveness. We inherit the warlike type; and for most of the capacities of heroism that the human race is full of we have to thank this cruel history. Dead men tell no tales, and if there were any tribes of other type than this they have left no survivors. Our ancestors have bred pugnacity into our bone and marrow, and thousands of years of peace won't breed it out of us. The popular imagination fairly fattens on the thought of wars. Let public opinion once reach a certain fighting pitch, and no ruler can withstand it. In the Boer war both governments began with bluff, but couldn't stay there, the military tension was too much for them. In 1898 our people had read the word WAR in letters three inches high for three months in every newspaper. The pliant politician McKinley was swept away by their eagerness, and our squalid war with Spain became a necessity.

At the present day, civilized opinion is a curious mental mixture. The military instincts and ideals are as strong as ever, but are confronted by reflective criticisms which sorely curb their ancient freedom. Innumerable writers are showing up the bestial side of military service. Pure loot and mastery seem no longer morally avowable motives, and pretexts must be found for attributing them solely to the enemy. England and we, our army and navy authorities repeat without ceasing, arm solely for "peace," Germany and Japan it is who are bent on loot and glory. "Peace" in military mouths to-day is a synonym for "war expected." The word has become a pure provocative, and no government wishing peace sincerely should allow it ever to be printed in a newspaper. Every up-to-date Dictionary should say that "peace" and "war" mean

the same thing, now *in posse*, now *in actu*. It may even reasonably be said that the intensely sharp competitive *preparation* for war by the nations *is the real war*, permament, unceasing; and that the battles are only a sort of public verification of the mastery gained during the "peace"interval.

It is plain that on this subject civilized man has developed a sort of double personality. If we take European nations, no legitimate interest of any one of them would seem to justify the tremendous destructions which a war to compass it would necessarily entail. It would seem as though common sense and reason ought to find a way to reach agreement in every conflict of honest interests. I myself think it our bounden duty to believe in such international rationality as possible. But, as things stand, I see how desperately hard it is to bring the peace-party and the war-party together, and I believe that the difficulty is due to certain deficiencies in the program of pacificism which set the militarist imagination strongly, and to a certain extent justifiably, against it. In the whole discussion both sides are on imaginative and sentimental ground. It is but one utopia against another, and everything one says must be abstract and hypothetical. Subject to this criticism and caution, I will try to characterize in abstract strokes the opposite imaginative forces, and point out what to my own very fallible mind seems the best utopian hypothesis, the most promising line of conciliation.

In my remarks, pacificist tho' I am, I will refuse to speak of the bestial side of the war-regime (already done justice to by many writers) and consider only the higher aspects of militaristic sentiment. Patriotism no one thinks discreditable; nor does any one deny that war is the romance of history. But inordinate ambitions are the soul of every patriotism, and the possibility of violent death and soul of all romance. The militarily patriotic and romantic-minded everywhere, and especially the professional military class, refuse to admit for a moment that war may be a transitory phenomenon in social evolution. The notion of a sheep's paradise like that revolts, they say, our higher imagination. Where then would be the steeps of life? If war had ever stopped, we should have to re-invent it, on this view, to redeem life from flat degeneration.

Reflective apologists for war at the present day all take it religiously. It is a sort of sacrament. Its profits are to the vanquished as well as to the victor; and quite apart from any question of profit, it is an absolute good, we are told, for it is human nature at its highest dynamic. Its "horrors" are a cheap price to pay for rescue from the only alternative supposed, of a world of clerks and teachers, of co-education and zoophily, of "consumer's leagues" and "associated charities," of industrialism unlimited, and feminism unabashed. No scorn, no hardness, no valor any more! Fie upon such a cattleyard of a planet!

So far as the central essence of this feeling goes, no healthy minded person, it seems to me, can help to some degree partaking of it. Militarism is the great preserver of our ideals of hardihood, and human life with no use for hardihood would be contemptible. Without risks or prizes for the darer, history would be insipid indeed; and there is a type of military character which every one feels that the race should never cease to breed, for every one is sensitive to its superiority. The duty is incumbent on mankind, of keeping military characters in stock—of keeping them, if not for use, then as ends in themselves and as pure pieces of perfection,—so that Roosevelt's weaklings and mollycoddles may not end by making everything else disappear from the face of nature.

This natural sort of feeling forms, I think, the innermost soul of army-writings. Without any exception known to me, militarist authors take a highly mystical view of their subject, and regard war as a biological or sociological necessity, uncontrolled by ordinary psychological checks and motives. When the time of development is ripe the war must come, reason or no reason, for the justifications pleaded are invariably fictitious. War is, in short, a permanent human *obligation*. General Homer Lea, in his recent book "the Valor of Ignorance," plants himself squarely on this ground. Readiness for war is for him the essence of nationality, and ability in it the supreme measure of the health of nations.

Nations, General Lea says, are never stationary—they must necessarily expand or shrink, according to their vitality or decrepitude. Japan now is culminating; and by the fatal law in question it is impossible that her statesmen should not long since have entered, with extraordinary foresight, upon a vast policy of conquest—the game in which the first moves were her wars with China and Russia and her treaty with England, and of which the final objective is the capture of the Philippines, the Hawaiian Islands, Alaska, and the whole of our Coast west of the Sierra Passes. This will give Japan what her ineluctable vocation as a state absolutely forces her to claim, the possession of the entire Pacific Ocean; and to oppose these deep designs we Americans have, according to our author, nothing but our conceit, our ignorance, our commercialism, our corruption, and our feminism. General Lea makes a minute technical comparison of the military strength which we at present could oppose to the strength of Japan, and concludes that the islands, Alaska, Oregon, and Southern California, would fall almost without resistance, that San Francisco must surrender in a fortnight to a Japanese

investment, that in three or four months the war would be over, and our republic, unable to regain what it had heedlessly neglected to protect sufficiently, would then "disintegrate," until perhaps some Caesar should arise to weld us again into a nation.

A dismal forecast indeed! Yet not unplausible, if the mentality of Japan's statesmen be of the Caesarian type of which history shows so many examples, and which is all that General Lea seems able to imagine. But there is no reason to think that women can no longer be the mothers of Napoleonic or Alexandrian characters; and if these come in Japan and find their opportunity, just such surprises as "the Valor of Ignorance" paints may lurk in ambush for us. Ignorant as we still are of the innermost recesses of Japanese mentality, we may be foolhardy to disregard such possibilities.

Other militarists are more complex and more moral in their considerations. The "Philosophie des Krieges," by S.R. Steinmetz is a good example. War, according to this author, is an ordeal instituted by God, who weighs the nations in its balance. It is the essential form of the State, and the only function in which peoples can employ all their powers at once and convergently. No victory is possible save as the resultant of a totality of virtues, no defeat for which some vice or weakness is not responsible. Fidelity, cohesiveness, tenacity, heroism, conscience, education, inventiveness, economy, wealth, physical health and vigor—there isn't a moral or intellectual point of superiority that doesn't tell, when God holds his assizes and hurls the peoples upon one another. *Die Weltgeschichte ist das Weltgericht*; and Dr. Steinmetz does not believe that in the long run chance and luck play any part in apportioning the issues.

The virtues that prevail, it must be noted, are virtues anyhow, superiorities that count in peaceful as well as in military competition; but the strain on them, being infinitely intenser in the latter case, makes war infinitely more searching as a trial. No ordeal is comparable to its winnowings. Its dread hammer is the welder of men into cohesive states, and nowhere but in such states can human nature adequately develop its capacity. The only alternative is "degeneration."

Dr. Steinmetz is a conscientious thinker, and his book, short as it is, takes much into account. Its upshot can, it seems to me, be summed up in Simon Patten's word, that mankind was nursed in pain and fear, and that the transition to a "pleasure-economy" may be fatal to a being wielding no powers of defense against its disintegrative influences. If we speak of the *fear of emancipation from the fear-regime*, we put the whole situation into a single phrase; fear regarding ourselves now taking the place of the ancient fear of the enemy.

Turn the fear over as I will in my mind, it all seems to lead back to two unwillingnesses of the imagination, one aesthetic, and the other moral: unwillingness, first to envisage a future in which army-life, with its many elements of charm, shall be forever impossible, and in which the destinies of peoples shall nevermore be decided quickly, thrillingly, and tragically, by force, but only gradually and insipidly by "evolution"; and, secondly, unwillingness to see the supreme theatre of human strenuousness closed, and the splendid military aptitudes of men doomed to keep always in a state of latency and never show themselves in action. These insistent unwillingnesses, no less than other esthetic and ethical insistencies have, it seems to me, to be listened to and respected. One cannot meet them effectively by mere counter-insistency on war's expensiveness and horror. The horror makes the thrill; and when the question is of getting the extremest and supremest out of human nature, talk of expense sounds ignominious. The weakness of so much merely negative criticism is evident—pacificism makes no converts from the military party. The military party denies neither the bestiality nor the horror, nor the expense; it only says that these things tell but half the story. It only says that war is *worth* them; that, taking human nature as a whole, its wars are its best protection against its weaker and more cowardly self, and that mankind cannot *afford* to adopt a peace-economy.

Pacificists ought to enter more deeply into the esthetical and ethical point of view of their opponents. Do that first in any controversy, says J. J. Chapman, *then move the point*, and your opponent will follow. So long as anti-militarists propose no substitute for war's disciplinary function, no *moral equivalent* of war, analogous, as one might say, to the mechanical equivalent of heat, so long they fail to realize the full inwardness of the situation. And as a rule they do fail. The duties, penalties, and sanctions pictured in the utopias they paint are all too weak and tame to touch the military-minded. Tolstoy's pacificism is the only exception to this rule, for it is profoundly pessimistic as regards all this world's values, and makes the fear of the Lord furnish the moral spur provided elsewhere by the fear of the enemy. But our socialistic peace-advocates all believe absolutely in this world's values; and instead of the fear of the Lord and the fear of the enemy, the only fear they reckon with is the fear of poverty if one be lazy. This weakness pervades all the socialistic literature with which I am acquainted. Even in Lowes Dickinson's exquisite dialogue,* high wages and short hours are the only forces invoked

*Justice and Liberty, N.Y., 1909.

for overcoming man's distaste for repulsive kinds of labor. Meanwhile men at large still live as they always have lived, under a pain-and-fear economy—for those of us who live in an ease-economy are but an island in the stormy ocean—and the whole atmosphere of present-day utopian literature tastes mawkish and dishwatery to people who still keep a sense for life's more bitter flavors. It suggests, in truth, ubiquitous inferiority.

Inferiority is always with us, and merciless scorn of it is the keynote of the military temper. "Dogs, would you live forever?" shouted Frederick the Great. "Yes," say our utopians, "let us live forever, and raise our level gradually." The best thing about our "inferiors" today is that they are as tough as nails, and physically and morally almost as insensitive. Utopianism would see them soft and squeamish, while militarism would keep their callousness but transfigure it into a meritorious characteristic, needed by "the service," and redeemed by that from the suspicion of inferiority. All the qualities of a man acquire dignity when he knows that the service of the collectivity that owns him needs them. If proud of the collectivity, his own pride rises in proportion. No collectivity is like an army for nourishing such pride; but it has to be confessed that the only sentiment which the image of pacific cosmopolitan industrialism is capable of arousing in countless worthy breasts is shame at the idea of belonging to *such* a collectivity. It is obvious that the United States of America as they exist today impress a mind like General Lea's as so much human blubber. Where is the sharpness and precipitousness, the contempt for life, whether one's own, or another's? Where is the savage "yes" and "no," the unconditional duty? Where is the conscription? Where is the blood-tax? Where is anything that one feels honored by belonging to?

Having said thus much in preparation, I will now confess my own utopia. I devoutly believe in the reign of peace and in the gradual advent of some sort of a socialistic equilibrium. The fatalistic view of the war-function is to me nonsense, for I know that war-making is due to definite motives and subject to prudential checks and reasonable criticisms, just like any other form of enterprise." And when whole nations are the armies, and the science of destruction vies in intellectual refinement with the sciences of production, I see that war becomes absurd and impossible from its own monstrosity. Extravagant ambitions will have to be replaced by reasonable claims, and nations must make common cause against them. I see no reason why all this should not apply to yellow as well as to white countries, and I look forward to a future when acts of war shall be formally outlawed as between civilized peoples.

All these beliefs of mine put me squarely into the anti-militarist party. But I do not believe that peace either ought to be or will be permanent on this globe, unless the states pacifically organized preserve some of the old elements of army-discipline. A permanently successful peace-economy cannot be a simple pleasure-economy. In the more or less socialistic future towards which mankind seems drifting we must still subject ourselves collectively to those severities which answer to our real position upon this only partly hospitable globe. We must make new energies and hardihoods continue the manliness to which the military mind so faithfully clings. Martial virtues must be the enduring cement; intrepidity, contempt of softness, surrender of private interest, obedience to command, must still remain the rock upon which states are built —unless, indeed, we wish for dangerous reactions against commonwealths fit only for contempt, and liable to invite attack whenever a centre of crystallization for military-minded enterprise gets formed anywhere in their neighborhood.

The war-party is assuredly right in affirming and reaffirming that the martial virtues, although originally gained by the race through war, are absolute and permanent human goods. Patriotic pride and ambition in their military form are, after all, only specifications of a more general competitive passion. They are its first form, but that is no reason for supposing them to be its last form. Men now are proud of belonging to a conquering nation, and without a murmur they lay down their persons and their wealth, if by so doing they may fend off subjection. But who can be sure that *other aspects of one's country* may not, with time and education and suggestion enough, come to be regarded with similarly effective feelings of pride and shame? Why should men not some day feel that it is worth a blood-tax to belong to a collectivity superior in *any* ideal respect? Why should they not blush with indignant shame if the community that owns them is vile in any way whatsoever? Individuals, daily more numerous, now feel this civic passion. It is only a question of blowing on the spark till the whole population gets incandescent, and on the ruins of the old morals of military honour, a stable system of morals of civic honour builds itself up. What the whole community comes to believe in grasps the individual as in a vise. The war-function has grasp us so far; but constructive interests may some day seem no less imperative, and impose on the individual a hardly lighter burden.

Let me illustrate my idea more concretely. There is nothing to make one indignant in the mere fact that life is hard, that men should toil and suffer pain. The planetary conditions once for all are such, and we can stand it. But that so many men, by mere

accidents of birth and opportunity, should have a life of *nothing else* but toil and pain and hardness and inferiority imposed upon them, should have *no* vacation, while others natively no more deserving never get any taste of this campaigning life at all,—*this* is capable of arousing indignation in reflective minds. It may end by seeming shameful to all of us that some of us have nothing but campaigning, and others nothing but unmanly ease. If now—and this is my idea—there were, instead of military conscription a conscription of the whole youthful population to form for a certain number of years a part of the army enlisted against *Nature*, the injustice would tend to be evened out, and numerous other goods to the commonwealth would follow. The military ideals of hardihood and discipline would be wrought into the growing fibre of the people; no one would remain blind as the luxurious classes now are blind, to man's real relations to the globe he lives on, and to the permanently sour and hard foundations of his higher life. To coal and iron mines, to freight trains, to fishing fleets in December, to dishwashing, clothes-washing, and window-washing, to road-building and tunnel-making, to foundries and stoke-holes, and to the frames of skyscrapers, would our gilded youths be drafted off, according to their choice, to get the childishness knocked out of them, and to come back into society with healthier sympathies and soberer ideas. They would have paid their blood-tax, done their own part in the immemorial human warfare against nature, they would tread the earth more proudly, the women would value them more highly, they would be better fathers and teachers of the following generation.

Such a conscription, with the state of public opinion that would have required it, and the many moral fruits it would bear, would preserve in the midst of a pacific civilization the manly virtues which the military party is so afraid of seeing disappear in peace. We should get toughness without callousness, authority with as little criminal cruelty as possible, and painful work done cheerily because the duty is temporary, and threatens not, as now, to degrade the whole remainder of one's life. I spoke of the "moral equivalent" of war. So far, war has been the only force that can discipline a whole community, and until an equivalent discipline is organized, I believe that war must have its way. But I have no serious doubt that the ordinary prides and shames of social man, once developed to a certain intensity, are capable of organizing such a moral equivalent as I have sketched, or some other just as effective for preserving manliness of type. It is but a question of time, of skillful propagandism, and of opinion-making men seizing historic opportunities.

The martial type of character can be bred without the war. Strenuous honour and disinterestedness abound elsewhere. Priests and medical men are in a fashion educated to it, and we should all feel some degree of it imperative if we were conscious of our work as an obligatory service to the state. We should be *owned*, as soldiers are by the army, and our pride would rise accordingly. We could be poor, then, without humiliation, as army officers now are. The only thing needed henceforward is to inflame the civic temper as past history has inflamed the military temper. H.G. Wells, as usual, sees the centre of the situation. "In many ways," he says, "military organization is the most peaceful of activities. When the contemporary man steps from the street, of clamorous insincere advertisement, push, adulteration, underselling and intermittent employment, into the barrack-yard, he steps on to a higher social plane, into an atmosphere of service and cooperation and of infinitely more honourable relations. Here at least men are not flung out of employment to degenerate because there is no immediate work for them to do. They are fed and drilled and trained for better services. Here at least a man is supposed to win promotion by self-forgetfulness and not by self-seeking. And beside the feeble and irregular endowment of research by commercialism, its little short-sighted snatches at profit by innovation and scientific economy, see how remarkable is the steady and rapid development of method and appliances in naval and military affairs! Nothing is more striking than to compare the progress of civil conveniences which has been left almost entirely to the trader, to the progress in military apparatus during the last few decades. The house-appliances of today for example, are little better than they were fifty years ago. A house of today is still almost as ill-ventilated, badly heated by wasteful fires, clumsily arranged and furnished as the house of 1858. Houses a couple of hundred years old are still satisfactory places of residence, so little have our standards risen. But the rifle or battleship of fifty years ago was beyond all comparison inferior to those we possess; in power, in speed, in convenience alike. No one has a use now for such superannuated things."*

Well adds** that he thinks that the conceptions of order and discipline, the tradition of service and devotion, of physical fitness, unstinted exertion, and universal responsibility, which universal military duty is teaching European nations, will remain a permanent acquisition, when the last ammunition has been used in the fireworks that celebrate the final peace. I believe as he does. It would be simply preposterous

*First and Last Things, 1908, p. 215.
**Ibid., p. 226.

if the only force that could work ideals of honour and standards of efficiency into English or American natures should be the fear of being killed by the Germans or the Japanese. Great indeed is Fear; but it is not, as our military enthusiasts believe and try to make us believe, the only stimulus known for awakening the higher ranges of men's spiritual energy. The amount of alteration in public opinion which my utopia postulates is vastly less than the difference between the mentality of those black warriors who pursued Stanley's party on the Congo with their cannibal war-cry of "Meat! Meat" and that of the "general-staff" of any civilized nation. History has seen the latter interval bridged over: the former one can be bridged over much more easily.

WILLIAM JAMES.

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**Morris Janowitz, "National and Community Work as Civic Education," in *The Reconstruction of Patriotism*, (University of Chicago, 1983)**

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## NATIONAL AND COMMUNITY WORK AS CIVIC EDUCATION

### Work/Study versus National Service

What does it mean to assert that work, properly organized and appropriately defined, can serve as a powerful agency of civic education, especially for young people? In one sense this idea is very simple. Effective education, formal and informal, for each succeeding cohort of young people involves mastering the skills and techniques required for occupational and professional employment. Education also involves understanding the social and moral content of work. Socialization into adult life implies the internalization of values that stress satisfactions deriving from an orderly career. Although people work for economic reasons, their work can also produce individual and group satisfaction. In an advanced industrial society, many occupational tasks, because of drudgery or sheer dullness, yield little satisfaction. Available evidence supports the conclusion that, in general, the better educated a person is, the more likely he or she is to derive positive stimulation from work.

Many types of work, however, even if not intrinsically exciting, may increase an individual's education. Work pursued on behalf of the community or nation is a form of civic education. Economic pursuit per se and the marginal advantages of more efficient and productive work increase the individual's income. But for the bulk of the population, economic satisfaction is insufficient as a basis for a satisfactory life style.

A broad formulation of education by means of community and national service was first offered before World War I by William James in his influential polemic *The Moral Equivalent of War*.[1] The power of his classic statement does not mean that he was never naive, utopian, and without sufficient concern with organizational details. But he did prepare a statement which has stimulated continuing efforts at reformulation along more practical lines.

Williams James proposed a form of universal service in order to create "civic discipline." The type of work to be performed would sample the tasks a modern society had to perform. Out of this broad perspective James gradually offered more concrete goals. These emphasized tasks we would label "human services." In seeking to spell out realistically the tasks to be performed, present-day thinking is still deeply influenced by the ideas of William James.

James believed that young men, especially the better-situated sons of the rich, should engage in real labor as part of their education. Such labor, he believed, would develop a sense of cohesion in a modern society. National service was to be a counterbalance to excessive "self-seeking." No doubt, James thought he was promoting altruism. Labor, with its resulting sense of solidarity, was to substitute for war and the solidarity that warlike tasks created. Details of his plan were of less concern than the underlying principle of using work as a technique for developing the moral consciousness of a society. James accorded immense importance to work in the development of civic responsibility.

With the growth of large-scale industrialism, however, the mass educational system at all levels has demonstrated limits in its capacity to develop and implant moral values. In part, this is the result of the separation of the classroom from work experience. Over the last century, the public education system has increased its emphasis on academic subjects and increased the years for required schooling. By the 1960s, with the separation between work and educational experience almost complete, work experience was no longer an integral aspect of moral and civic

[1] William James, *The Moral Equivalent of War*, International Conciliation, No. 27 (New York: Carnegie Endowment for International Peace, 1910).

education. It became necessary for educational administrators to establish special programs to link the educational experience to an ongoing work experience. The absence of such linkage resulted in withdrawal and boredom or, even more dangerous, outright hostility toward education. Work/study and specialized work programs were developed as devices for improving skills, but also for stimulating motivation for successful entrance into the social world of work.

The quality and effectiveness of work/study programs are likely to increase. But such work experiences seek to attach an individual to a specific occupational setting in the existing social structure. National or community work, on the other hand, is designed to affiliate the individual into the larger social structure —to help make citizens out of students. The goal is less individual enhancement than the protection and well-being of the collectivity.

National work, as a form of citizen education, can be thought of as a social movement. As the individual participates successfully, his self-conceptions and values change; he feels himself more a member of the larger collectivity. An important element, not necessarily essential, is the temporary separation from family and local neighborhood to develop a sense of the larger society. The separation can be for a regular part of the work week or for a sustained period.

The consequences of national work, including community work, cannot be measured in terms of economic payoffs. There is little point in seeking to determine whether public or private property is enriched by such work. It is the collectivity that ultimately benefits. The property owner, the government official, or even the young men or women who participate may gain. But it is the various social groupings, including the nation-state, with which the participant is affiliated that ultimately benefit.

We live in a world in which effective literacy is a personal and national requirement. Therefore, the idea of work/study and national work as agencies of education are defined as particularly important for persons coming from deprived family backgrounds. But citizenship education by means of national or community work is especially applicable to students from the middle class, where civic responsibility seldom matches one's privileged position.

Explicit organization is required if there is to be extensive participation, whether the tasks be conservation, protection of the environment, assistance in the control of natural and manmade disasters, or involvement in educational and social work programs. Moreover, community and national work, since the time of Alexis de Tocqueville, has become more and more subject to the intrusion of "government." There are clear limits to this trend of the underlying goal of citizen education is to be achieved.

### The Civilian Conservation Corps as a Social-Political Movement

The Civilian Conservation Corps (CCC) makes an excellent point of departure for analyzing community and national work as forms of civic education. The CCC offers rich case material and systematic institutional analyses. In particular, there is Michael W. Sherraden's penetrating study "The Civilian Conservation Corps: Effectiveness of the Camps."[1] Sherraden has also undertaken a quantitative study of factors involved in accounting for varying organizational effectiveness of individual camps.

As a social demonstration, and a massive one, the CCC has a strong record of achievement; it is generally viewed as a success. Also impressive was public respect for the program and satisfaction reported by the bulk of participants. As a result, both the reality and the symbolism of the CCC continue to stimulate efforts to adapt the original format to a more highly urbanized and industrialized nation. It is no exaggeration to say that the CCC continues to be a source of inspiration to political leaders and professionals concerned with defects of contemporary society, especially the inability of the welfare state to solve its "youth problem."

While there continue to be community and nationally based youth employment and job training programs of discernible success, the esprit de corps that the CCC created has yet to be replicated. Despite extensive literature on the CCC, the organizational climate it created is imperfectly understood.

The CCC was an instrument of the New Deal, organized as an outdoor program for young jobless men. Franklin Delano Roosevelt, as governor of New York, had created a similar conservation/work relief program. The U.S. Forest Service and the National Park Service were essential ingredients in the CCC and helped to transmit a "sense of purpose" to participants. Relief is designed to prevent starvation or extreme misery, so that broad "success' by relief projects is hardly conspicuous. However, to call the CCC an outdoor work relief project fails to describe its operations and effective achievements. While serving the needs of its clientele, the CCC evolved into an institution with its own collective "spirit." Its participants did not feel degraded but saw themselves as members of a group with worthwhile goals, which served themselves and the nation at the same time.

[1] Michael W. Sherraden, "The Civilian Conservation Corps. Effectiveness of the Camps," unpublished Ph.D. dissertation, University of Michigan, 1979.

Its conservation motif was crucial. President Roosevelt was personally interested in the CCC and his support was of great help.

The CCC evolved as a sociopolitical movement. Most participants were not obsessed with the idea that they were on outdoor work relief but felt engaged in an enterprise of practical and moral worth. They developed a collective consciousness—not to be exaggerated, but one that was realistic. What they were doing was not an egotistical act, although it supplied them with the basic necessities of life. They acquired simple work skills and, in a small minority of cases, more complex ones as well. They also learned habits appropriate for success in holding a job. They did not believe that they were building up equities for private profit or for particular public institutions. They were using their work efforts to conserve and improve resources for recipients yet to be designated.

Although the camps had their share of cynics and malcontents, the rank-and-file CCC participant felt that he was doing something worthwhile not only for himself but for "the country." If President Roosevelt originally saw the activity as a relief program, he was able to articulate and stimulate broader, and pragmatic, national goals. Work in these CCC camps was a form of civic education because it joined together rights and obligations. The participants believed they were exercising their rights when they were given a job in a period of unemployment. In turn, they had an obligation to perform in the task of conservation of resources. The type of organization created was a loose, hierarchical agency. Although individual camp directors were military officers, it would be an error to describe the CCC as paramilitary. The top management was thoroughly civilian. The flexibility of the organization was strikingly successful. Part of its success may be the fact that it was terminated after a decade. Longevity might well have led to rigidity and a downgrading of the broad collective goals of the enterprise for a concentration on specific skills and techniques.

The Civilian Conservation Corps (initially called Emergency Conservation Work) operated from April 1933 to June 1942. It employed a total of more than three million young adults. Approximately 10 percent of the participants were black, assigned to segregated camps. Special programs were created for American Indians, and separate camps were established for U.S. military service veterans. The agency was based upon cooperation between government agencies under a complex organization, which under normal circumstances, might not have succeeded. The Department of Labor was responsible for the selection of participants, while the Veterans Administration selected the quota of veterans, not to exceed 10 percent of the total. The War Department administered the operation of the camps while the work programs were directed mainly by the Department of Agriculture (U.S. Forest Service) and the Department of Interior (U.S. Park Service).

Over the nine-year period, an average of 1,500 camps were located in all parts of the nation, more commonly in the Western states. Camps were typically limited to 200 men and remained small and relatively personal. Camps were usually under the command of a captain or a first lieutenant in the regular or reserve army. The officer was in charge of camp operations and had a major role in the participants' welfare.

One gets a flavor of life when it is recalled that in a CCC camp, personnel worked five days a week, eight hours a day, and received pay of $30 a month, of which $25 was usually sent home to the participant's family. Sherraden describes the average enrollee as being twenty years of age, Caucasian, equally likely to come from an urban or rural background, and never before having had a regular full-time job. Corps members were broadly "working-class," which meant some social mixture. The immediate motivation for joining was to help one's family financially. There was a mixture of intelligence and school achievement levels. The young man was likely to have an eighth grade education; at that time, only a minority of the population graduated from high school.[3] The average enrollee stayed in the corps for ten months. Interestingly enough, the average black participant stayed longer, fifteen months. Intelligence levels were nearly that of normal distribution.[4]

The range of conservation and construction programs was impressive. Given the low rate of pay, the accomplishments were worth many times the original cost. Such arguments were frequently used to support the CCC, but they missed the real meaning to participants and the public, who believed that conservation and development of resources were worthwhile goals per se. Even more important in terms of image building was recognition that the CCC contributed significantly to the participants' health, work habits, and self-esteem.

It should be stressed that the CCC did not make an impressive record in the two objectives of education and training. President Roosevelt and Robert Fechner, a prominent labor leader who served as director of the CCC, did not see classroom instruction

[3] One study revealed that 66.7 percent had completed primary school and 9.8 percent were high school graduates. W. F. Persons, "Selecting 1,800,000 Young Men for the C.C.C.," *Monthly Labor Review* 46 (April 1938): 846-51.

[4] Kenneth Holland, "Conserving Human Resources," *Survey* 71 (March 1935): 81.

as a central goal. No doubt, assembling an effective educational staff would have been difficult, if not impossible, and costly. It also would have made the CCC an organization with multiple goals and with resulting tensions and ambiguities. The CCC had a work task to perform, and in pursuing this task it was able to mobilize and strengthen commitments to work. Herein lies the essential lesson of the CCC: meaningful work on behalf of the needs of the larger collectivity was the basis of success and the means of reinforcing the social and moral meaning of work. As a result, the CCC enjoyed large-scale public support during its nine years of history, and was endorsed by both political parties in Congress. The annual cost per participant reported by Sherraden was approximately $1,000 per year, higher than the $800 per capita cost of the Works Project Administration and of the $400—700 per capita cost of National Youth Administration. In the early and middle years of its nine years of history, there were five applicants for every vacancy. At the height, one of every twenty male youths in the nation who turned seventeen years of age entered the CCC—a considerable national level of participation.

The program was not without its problems. One is struck by efforts to deal with these problems by giving the officer in charge of each site a considerable degree of discretion. The army did engage in some irregular inspections, but the primary inspection system was lodged in the CCC director's office and was nonmilitary. Primary authority for regulating the camps was clearly civilian. Contacts with the local communities often presented pressing problems. There were a few local advisory councils, the result of camp management or local community initiative. These local advisory councils were distinct from the Advisory Council in Washington, which had considerable influence.

Desertions and premature separations plagued the program; they were a concern to the administrators. Sherraden points out, however, that when one compares the early years of the Job Corps to the CCC in terms of desertions, the CCC rates were low.[5] On the basis of the mass of available documentation and records kept by the CCC, Sherraden was able to study participant satisfaction, camp productivity, and camp-community relations. In the case of participant satisfaction, many factors were involved, including camp leadership. But basically the participants responded well in terms of three factors: the adequacy of camp food, camp living conditions, and available outside employment opportunities.

Among its wide range of accomplishments, the CCC planted 2 billion trees, constructed 126,000 miles of minor roads, and put 40 million acres of farmland in condition to benefit from erosion control. The corps was organized with a strong emphasis on labor-intensive rather than capital-intensive activities. Yet Sherraden's study of CCC productivity demonstrates that camps made effective use of a limited supply of appropriate machinery (a capital-intensive measure). Camp machinery and equipment, in fact, was one of the two variables most closely related to camp productivity; the second was the camp distance from the work project. A second level of variables relating to productivity had to do with management of the camp, its age, and its location. New camps tended to be less productive, no doubt because of building costs and maintenance requirements in getting them organized. Location is an indicator of weather, a factor accounting for lost man-days. But the consequence of the "elements" is not to be overstated. It seems that lack of appropriate clothing was a more effective factor, but one which could be remedied.[6]

The effectiveness of camp-community relations could be and was improved by conscious efforts. The two variables Sherraden encountered as being most strongly associated with congenial camp-community relations were staff hired from the local area, and camp spending in the community. Often it took a few months for the economic dimensions to become visible, but, once they did, they obviously enhanced camp-community relations. Available research leads to no definite conclusions about the recruitment from the area versus from out of state on the question of camp-community relations. There is a good deal of impressionistic information, however to imply that out-of-state recruitment had beneficial effects in giving the CCC worker a sense of the size and immense resources of the nation, thereby broadening his attachment to a more comprehensive or regional identification.

As opportunities for employment in civilian society increased, and as the United States began to prepare for World War II, the economic pressures supporting the CCC declined. The quality of the participants also declined, and dismissals increased.[7] But the program continued with reasonable effectiveness and continued public support until conclusion.

No doubt, the simplicity of goals, economic support for poor families through the labor of their sons, and effective contributions to conservation programs made possible much of the success of the CCC. But what is important is that it served, unanticipatedly, not

[5] Sherraden, "The Civilian Conservation Corps," p. 122.

[6] Ibid., p. 221; also p. 295.

[7] Alexander Lacy, *The Soil Soldiers* (Radnor, Penn.: Chilton, 1976), pp. 201-2.

merely as a relief program, but as a program which gave its participants meaningful citizen responsibilities and work obligations. It is striking that American society has not been able to adapt this experience effectively to contemporary needs.

### The Failure to Update the CCC

During the rapid expansion of the "War against Poverty" in the early 1960s, strong emphasis was placed on youth work programs and skill training. A variety of professional and interest groups pressed for legislation which they believed would assist youth from extremely deprived backgrounds. If the original CCC legislation and its program were relatively simple, efforts generated by the War against Poverty were multifaceted and diffuse in the perception of the general public. Various pressure groups sought and got a stake in these youth programs. First, the administrators of the larger inner-city school systems were interested in work/study programs, which would offer financial assistance to hard-pressed families so that their children could complete their education. This was a relatively acceptable program to the mass of citizenry. Moreover, students under work/study programs would acquire work experience—"learn how to work" was the implicit slogan—and, where possible, pick up specific skills. The Neighborhood Youth Corps was authorized to conduct work/study programs. The work/study aspects of the Neighborhood Youth Corps were foreshadowed by the in-school component of National Youth Administration during the Great Depression. But these later programs did not have social and cultural elements. Second, vocational education specialists wanted to create job training centers outside the public school system which would teach basic reading and arithmetic skills and, in addition, specific skills which would make youth more employable. If possible, such programs would have a residential component. The approach was just the opposite of the CCC experience, where the emphasis was on participating in a work experience rather than on specific marketable skills. The "vocational education" approach led to the establishment of the Job Corps, which emerged as one agency which survived long after the apparatus of the War against Poverty was dismantled. In the Job Corps there was very little interest initially either in building self-esteem or in basic civic education.[8] Although the program became more aware of these issues, its goals remained "practical" compensatory education. It was an intensive remedial educational program with heavy emphasis on training in specific skills. Third, there was considerable support in Congress for an updated form of the conservation programs of the CCC. Some support came from conservation groups, but a great deal rested on the after-image of the success and popularity of the CCC experience. As a result, the original Job Corps legislation placed significant emphasis on "civilian conservation centers," but this segment of the program did not survive.

The original CCC format, essentially a resident work experience program, allowed participants to gain experience in "holding a job"; that is, in actually working. As far as possible, the skills the participant already had would be utilized. Training in specific skills and remedial education would be secondary. The assumption was that employers—industrial employers in particular—were more interested in work commitment than in specific skills which could be taught on the factory floor.

The residential centers in the 1960s, however, came to be thought of more and more as specific skill training centers. It is appropriate to compare the three types of programs. Neighborhood Youth Corps work/study, Job Corps skill training centers, and residential conservation centers—from the point of view of group values and as experiments in civic education.

Urban school boards, state governments, and federal agencies have in the United States a long tradition—especially lively since 1945—of assisting vocational education by offering training in new types of specific skills. Some programs involve long and intensive apprenticeships; entrance to such programs is often controlled and regulated by powerful trade unions. The more common work/study programs support the student financially and give him or her a taste of the "world of work."

The most extensive effort to enlarge work/study was embodied in the Neighborhood Youth Corps, authorized by Congress in 1964 and started in 1965 as part of the "War against Poverty." It was organized as a paid work experience for low income 14-21-year-old youth. The corps had two major objectives: to increase the employability of youths, and to reduce school dropout rates. There were in-school, out-of-school, and summer programs. (In 1970, under the name Neighborhood Youth Corps 2, it came to focus more heavily on employment preparation via skills training, supportive services, and remedial education.) Almost 138,000 youths participated in the first year. Peak enrollment in 1967 reached 556,000, then dropped to 500,000 for several years. *The Neighborhood Youth Corps: A Review of Research*, published by the

[8] See Harold Lewack, "Requiem for a Dream: The Job Corps on Trial," in Ira Godenberg, ed., *The Helping Professions in the World of Action* (Lexington, Mass.: Lexington Books, 1973).

[9] U.S. Department of Labor, Manpower Administration, *The Neighborhood Youth Corps: A Review of Research*, Manpower Research Monograph no. 13 (Washington, D.C.: U.S. Department of Labor, 1970), passim.

U.S. Department of Labor, presents a sampling of research on the agency's programs.[9] As expected, the "better" the student, the more likely he or she was to benefit from these programs. Minority group females oriented toward clerical positions were most likely to obtain employment after a work/study experience.

The 1964 Economic Opportunity Act, in addition to establishing the Neighborhood Youth Corps, authorized establishment of the Job Corps. The Job Corps had as its major goal improved employment prospects for severely disadvantaged youth. The participant population of the Job Corps was defined as 16-20 years old, requiring intensive remedial education in reading and arithmetic as well as vocational and skill training. Terms such as *support services* were used to deal with the interpersonal aspects of the program. Job Corps centers were not only designed to assist young people; they were viewed as demonstration centers to show how training for employment could best be achieved. The program was established with the specific intention of moving participants from their home environment to resident centers. Some Job Corps centers are of particular relevance for our analysis because of their intended parallel to the CCC, since they were originally established for natural resource conservation work.

The Job Corps, in its early years, had numerous problems and withstood much hostile publicity. Programs run by contract with business and industrial corporations did not live up to expectation. The objectives of the program were not always clear and the dropout rate was high. At the start, enrollment fluctuated. The program reached a peak of 42,000 participants in 1967, dropped to 21,000 in 1970, and remained at this level until 1978.

By 1977, performance had improved dramatically. Retention rates rose in good part because of more careful screening. The Job Corps learned to select applicants most likely to succeed—"the cream," so to speak. (The phrase *to cream* came to be used to describe the selection process by which "high risk" youth were avoided.) More important, the Job Corps worked out cooperative arrangements with employers and unions which resulted in much improved placement services. Thus, for fiscal year 1977, the Job Corps national placement rate was close to 93 percent. This figure included those placed in jobs (64 percent), entering the military (6 percent), and returning to school (23 percent).[10] As a result, toward the end of the 1970s, Congress authorized doubling the size of the Job Corps. But retrenchment followed expansion in the recession years of the early 1980s.

[10] Sherraden, "The Civilian Conservation Corps," p. 252.

Manpower experts have used the available documentary data and results of special studies to claim a relative effectiveness of the Job Corps program.[11] It has become fashionable to subject social experiments to "evaluation research" to assess their consequences. In commenting on early research findings, Sar A. Levitan and Benjamin H. Johnston, two of the strongest research-oriented supporters, point out that some of the noteworthy positive reports must be interpreted "in the light of some rather misleading bookkeeping."[12]

Because of a subsequent extensive research effort, we are no longer uninformed about the impact of the Job Corps. This research incorporates a longitudinal design following a sample of enrollees and a control group. It has been documented that former Job Corps enrollees make more money; are less likely to be unemployed; are less dependent on welfare assistance and other public transfers; are less often arrested on criminal charges; are more likely to receive a high school diploma; and are more likely to attend college than a comparable group of youngsters not enrolled in Job Corps. These positive impacts, translated into economic terms, represent an excess of program benefits over costs.[13]

On balance, my assessment is that there is a place for a Job Corps program based on residential skill training centers. Certain youngsters from deprived backgrounds respond favorably to the residential setting, which serves as an alternative for very difficult and frustrating home settings. However, from program reports and data collected it is clear that limitations of the Job Corps result from the studied neglect of participants' social and cultural values and self-conceptions. The strategy was essentially to create some form of a "learning and placement machine." When issues of self-esteem and civic consciousness were dealt with, it was in terms of individual guidance rather than a group milieu.

One cannot operate a program such as the Job

[11] Sar A. Levitan and Benjamin H. Johnston, *The Job Corps: A Social Experiment that Works* (Baltimore: Johns Hopkins University Press, 1975).

[12] Levitan and Johnston, *The Job Corps*, p. 89.

[13] "Findings from a comprehensive evaluation of the social benefits and costs of Job Corps suggest that public investment in Job Corps is economically efficient. Our benchmark estimate is that the value of benefits in fiscal year 1977 exceeded costs by almost $2,300 per corps member, or by approximately 45 percent. Furthermore, the program is found to be economically efficient under a wide range of alternative assumptions and estimates. Because more than 40,000 youths enrolled in Job Corps during fiscal year 1977, our benchmark estimate of the net social benefit for the entire program is approximately $90 million for that year." Mathematica Policy Research, Inc., *Evaluation of the Economic Impact of the Job Corps Program: Second Follow-Up Report* (Princeton, N.J.: Mathematica, 1980), pp. vi-vii.

Corps on the assumption that the moral worth of the participant derives solely from his marketplace value—important as such measures are, especially among the socially deprived. The social deprivation of participants was to be compensated for by remedial programs, which implied at least some concern with strengthening not only their rights but their sense of civic obligation. Yet little interest was accorded these experiments from the point of view of civic education. During the first years, Job Corps centers were organized and reorganized in great haste, without sufficient administrative forethought. When an element of stability finally emerged, administrators were compelled to confront broader, more humanistic goals.

The length of training at a residential center in 1974, as reported by Levitan and Johnson, was 5.2 months, though even these figures may be inflated. "The median length of stay, for example, was only 3.1 months, with 27 percent of enrollees leaving within the first 30 days and 49 percent before three months were up. Only 36 percent remained longer than six months."[14] These periods (in contrast to the average ten-month experience of the CCC worker) were hardly enough to permit effective instruction or an enriching experience. The most frequently reported reason for leaving the Job Corps prematurely was "resignation" followed by AWOL or disciplinary charges.

The Job Corps centers gave high priority to intensified instruction in reading and arithmetic, as well as emphasizing "vocational skills." The experience with reading and mathematics was similar to that of inner-city school experimental programs, especially those which made use of tutors. Participants gained about 2.1 months in reading for each month of instruction, and 2.5 months of mathematic progress for each month of instruction. But whether the improvement endured is problematic, and there is no evidence that students increased their motivation to read either for self-advancement or for personal satisfaction. There is little reason to believe that their educational progress linked them more closely to the larger community to which they would return.

As the Job Corps improved its operation, systematic data was collected about the level of vocational skills developed and job placement. As we have seen, Job Corps placement nationally was 93 percent by 1977. The results were described as "encouraging," even though "placement" rate included one quarter who returned to school and some who went on to further training. It is important to note that only a relatively small proportion of Job Corps participants actually took jobs for which they were trained.[15] An important development was the linking of a few Job Corps programs to union-dominated apprenticeship programs. National political pressure apparently compensated for educational deficiencies in permitting greater access to certain employment.

As expected, the Job Corps initially included conservation work, reflecting the CCC. Many administrators, however, were unfamiliar with the CCC. Powerful group interests as well as important administrators in the War against Poverty believed that the model of the CCC, with its residential work camps, was not appropriate for the highly industrialized United States of the 1960s and 1970s. This is baffling, since the early performance of the conservation program clearly was as adequate as that of the vocational skill training centers. But opposition was persistent enough to force these residential centers to include educational and vocational training, which did not articulate well with the work-oriented strategy. In the end, the unique opportunity to reinstitute an updated version of the CCC was lost, at least temporarily. This failure has not been adequately investigated.

I have already spoken of the lack of thoughtful administration that characterized the organization and reorganization of various phases of the War against Poverty. These shifts were part of the effort to demonstrate rapid "results." Moreover, the second-generation CCC effort lacked the direct presidential oversight and public interest that assists any federal program. It was organized and administered with an overload of goals, especially "training" and "education" as opposed to the sharper focus of the CCC. Of equal if not greater importance was the difficulty of the Job Corps in obtaining effective, trained personnel to administer its residential centers. By contrast, the CCC could draw on a cadre of lieutenants and captains to direct its camps. These officers had some background appropriate for the task as well as a strong sense of loyalty to the success of the project. Another explanation is that the Job Corps center took the cream of the participants, while conservation centers got the least qualified.

Various programs in the Job Corps were directed by policy guidelines to recruit young people from exceedingly deprived social backgrounds. The unemployment rate among young high school dropouts, especially young blacks, was indeed high. Thus, among participants, the sense of relative deprivation

[14] Levitan and Johnston, *The Job Corps*, p. 87.

[15] "Only one in seven corps members who enters a vocational training cluster ends up completing and being placed upon termination in a job in the same cluster." U.S. Department of Labor, *Assessments of the Job Corps Performance and Impact*, 2 vols. (Washington, DC.: U.S. Government Printing Office, 1979), vol. 2, p.2.

was greater than among CCC workers. Since there were large concentrations of blacks, many of whom had been touched by the social protest movements of the 1960s, they were much more oppositional in their outlook toward U.S. society than the typical participant of the CCC. Moreover, the Job Corps programs did not have the technical assistance which the CCC got from the Forest Service, the National Park Service, and other expert organizations.

From the standpoint of civic education, one can hypothesize that social heterogeneity enhances the effectiveness of enterprises such as the CCC, for it stimulates both informal and formal learning among the populations in the program. The selection criteria for the Job Corps programs produced more homogeneous participants.

The legislative origin of the Job Corps and especially the conservation element can be traced to the efforts of Senator Hubert H. Humphrey, who, in 1958, advanced a bill for a residential youth conservation corps. In 1959, the Senate passed an enabling act, but the bill was not acted on by the House of Representatives. Thus, it was not until the antipoverty legislation of President Lyndon B. Johnson was passed in 1964 that a Job Corps was authorized, to include (in its original form) 40 percent of participants in a residential conservation program. The bill that passed had no role for U.S. military personnel and thereby eliminated an important source of administrative assistance.

Despite a clear mandate from the U.S. Congress, the outdoor conservation work program encountered strong opposition from administrators of the Office of Economic Opportunity. The escalation of the Vietnam war reduced the budget of the Job Corps, especially the conservation element. These cuts resulted not in a smaller and more effective conservation program but in a disruptive struggle over which programs would be maintained and which eliminated. Females were dropped from the conservation program as early as 1965. (It remained for the all-volunteer U.S. military and not the Job Corps to open up female opportunity for training and employment in "unconventional" occupations; that is, manual or blue-collar jobs.) Moreover, when the Nixon administration reduced the budget for the Job Corps as part of its opposition to the projects of the War against Poverty, cuts in the conservation centers were disproportionate. In April 1969, fifty of the eighty-two conservation centers were scheduled to be closed. With the elimination of the superstructure of the Office of Economic Opportunity and the transfer of the Job Corps after 1973 to the Department of Labor, the conservation effort was further weakened. In due course, it was discontinued.

Levitan and Johnston have derided the conservation center idea as part "of a lingering American belief in the beneficial effects of the rugged outdoor life. Somehow it was hoped that the exposure to clean air and deep woods might help to cure the accumulated ills of childhoods spent in poverty and big city ghettos."[16] They point out, in fact, that the time spent on work at the expense of "education" resulted in charges that conservation centers were disguised labor camps. Such attitudes completely missed the rationale that a challenging work experience would be "educational" and would have civic educational elements as well.

The General Accounting Office and the Department of Labor singled out the conservation centers for attack, arguing that the participants were not being realistically prepared for employment. Yet the data indicate otherwise. For example, "in 1968 costs per man year were lower and average length of stay, reading the wage gains were greater for conservation centers enrollees than for any other group."[17] Among other positive findings is the fact that, by 1974, "conservation centers led the starting average wage per hour for job placements."[18] Although these data should be taken with serious reservation, I estimate that the actual work experience was as good, if not better, than specially designed vocational instruction in assisting in the transition to adult life. Socially deprived young men and women, especially those from urban centers, have experienced defeat and failure in the "official" mass public school system, not once but repeatedly. They are in effect without a sense of citizenship. The defeat and failure has been precisely in the classroom setting. The conservation center has important advantages for such youth. It is a new setting in which they have not accumulated a record of failure. Without elaborate preparation, they can participate and succeed rapidly with a real sense of satisfaction. On such success more conventional classroom instruction can be built.

The failure of efforts of the War against Poverty to develop an effective youth conservation program based on residential centers did not extinguish Congress's interest in such institution building. The Neighborhood Youth Corps and vocational aspects of the Job Corps hardly satisfied the lingering attachment to the CCC. To the contrary, the enduring spirit of the CCC led to the establishment of the Youth Conservation Corps in 1970.

The Youth Conservation Corps began as a summer residential program with a major goal of contributing to conservation work in national forests and

[16] Levitan and Johnston, *The Job Corps*, p. 39.
[17] Ibid., pp. 41-42
[18] Ibid., p. 43

parks. It was also conceived of as offering gainful employment to teenagers and increased knowledge and appreciation of the natural environment. Following the format of the CCC, job training and placement were not seen as primary objectives. Sherraden describes the program as popular and generally successful.[19] The program is limited but has public acceptance and is, in effect, institutionalized. Despite its goals of broad recruitment, it has been criticized for not having recruited sufficient urban, black, and economically disadvantaged youths. Participant satisfaction is reported high, and, in terms of amount of work, accomplishments are impressive.

The closest parallel to the original Civilian Conservation Corps is the Youth Employment and Demonstration Projects Act of 1977, which created, among other programs, Young Adult Conservation Corps (YACC). YACC, like the older CCC, has the twin goals of conservation work and providing jobs. Job training, education, and job placement per se are not emphasized in the program. It is a year-round program, partly residential, limited in numbers, and oriented toward the recruitment of disadvantaged youths. The program had some problems initially with recruitment of participants from the desired backgrounds and faced difficulties in obtaining sufficient funds to support residential living and transportation costs. However, it is reported that participants have responded well, and popular support seems likely.

### Human Conservation as National Service

The record of the CCC and the Job Corps supply the background for discussion of a comprehensive system of national service—obligatory or voluntary. The debate about national service has a long tradition, which has intensified since the ending of conscription.

From its early proposed formulations, national service was hardly seen as the domain of the "underclass." Nor were conservation programs envisaged. National service was thought of as a form of citizen work designed to develop civic discipline for a democratic society. The "toughness" of a society should not have to depend on preparation for war or war itself. Military service could find a substitute in universal work programs which would be broad in terms of those who participated and in jobs to be performed. National service in these original terms was designed to help various segments of society, especially the more privileged strate, learn about the realities of society and thereby develop civic consciousness.

In the 1930s, Mrs. Eleanor Roosevelt emerged as a spokesman for national service. In the years that followed, advocates of national service sought to make more precise the type of work which would be undertaken. Advocates spoke of the duality of national service; on one hand, improvement of the quality of life of an advanced industrial society, especially to make more effective the human services the welfare state was seeking to achieve; on the other hand, growth and maturity of the participants in national service, who would gain a deeper understanding of the realities and problems of their society. From this perspective, national service was a device for development of personal maturity which would serve as a realistic form of civic education.

As the Vietnam war came to an end, spokesmen for national service were particularly concerned to present themselves as realistic about both the attainable goals and the resources required. Public leaders of national service and associated specialists drew up detailed plans and feasibility studies. Three such efforts are worth mention. First, the comprehensive University of Chicago conference on conscription held 4-7 December 1966 contained extensive materials on alternative forms of national service, including the linkages between national service and military manpower problems.[20] Second, in 1979, with the support of the Ford Foundation and other foundation groups, a review of basic issues and a set of alternative blueprints appeared under the title "Youth and the Needs of the Nation: Report of the Committee for the Study of National Service."[21] This effort was under the leadership of two educational administrators, Jacqueline Grennan Wexler and Harris Wofford. Third, the most comprehensive analysis of alternative approaches to national service was presented in a volume entitled, *National Service: Social, Economic and Military Impacts*, edited by Michael W. Sherraden and Donald J. Eberly.[22] The importance of this third work was its attempt to relate national service to the complex and difficult problems of manpower for an expanded all-volunteer military.

Before 1970, the idea of national service was embodied by the outdoor conservation work of the CCC; a limited range of small, urban, social-service experiments; and the Peace Corps. After the Vietnam war, national service became an elaborate plan with

[19] Sherraden, "The Civilian Conservation Corps," p. 252.

[20] Sol Tax, ed., *The Draft: A Handbook of Facts and Alternatives* (Chicago: University of Chicago Press, 1967).

[21] The Potomac Institute, *Youth and the Needs of the Nation: Report of the Committee for the Study of National Service* (Washington, D.C.: The Potomac Institute, 1979).

[22] Michael W. Sherraden and Donald J. Eberly, eds., *National Service: Social, Economic and Military Impacts* (New York: Pergamon, 1982).

ambitious goals for an urbanized and industrialized society. Conservation work was defined to include ecological programs in urban metropolitan centers. The range of human service programs was extensive. It is understandable that emphasis was placed on the role of national service in dealing with deprived minority youth. As a result, plans for national service included conservation work and work training such as those organized by the Job Corps. The goal was to reduce the discontent of youth who had failed to make an effective transition from high school to regular employment. These frustrated youth are largely black, but include other dispossessed minorities. Their antisocial behavior is relatively enduring and destructive. Elijah Anderson, the black sociologist, speaks of their participation in an "underground economy in which deviant and semicriminal social definitions come to be significant elements of group life."[23] Although no single program or approach will serve the needs of these unemployed minority groups, manpower specialists believe that residential outdoor programs serve as appropriate agencies for a portion of this youth group. Such programs also interest better-situated young men and would therefore not become centers for the socially deprived but would parallel the social mixing that took place in the military under the draft.

Plans for national service after the Vietnam period included human services. In our contemporary society, human services are primarily in the hands of professionals or careerists, who frequently became routinized and even superficial in their performance. The vigor and enthusiasm of young people who serve only for a short period should provide an important human asset, which cannot be purchased in the marketplace. Already in 1967 I started to list the types of work and organizations which would be compatible with such a conception of national service, for example, a police cadet corps, a national teacher corps, a national health corps, a peace corps, and an equivalent domestic VISTA (Volunteers in Service to America) corps, as well as various job training programs.[24] By 1979, the national conference on national service was able to offer a much more refined list which included: public safety, facilities for recreation, community health, schools, transportation for the handicapped, and work opportunities in environment, child care, waste treatment and recycling, clean-up and pest/insect control, home services for the elderly and ill, recreation programs, energy conservation, paraprofessional assistance in schools, and art and cultural activities.[25] The total number of jobs to be filled annually was listed as more than 1,400,000. I would add to this estimate at least another 100,000-200,000 openings for residential conservation camps in the model of the CCC. Emphasis was on jobs not currently being performed adequately, which could be filled by persons with low skills or limited training.

Contemporary advocates of national service were also concerned with the sons and daughters of socially better-situated families. For this group, national service was hardly an antipoverty program. Specialists engaged in drawing up blueprints for national service could point to the growing tendency of college students to take a year off from the "grind" of college to have a set of experiences and opportunities for increased maturity which could not be offered by institutions of higher education.

It is difficult to estimate the interest among young people for posts in a voluntary national service. I speak of effective interest as opposed to answers in opinion surveys. Opinion surveys, I believe, give positions and attitudes that are inflated. Clearly, available voluntary posts at the beginning of the 1980s were inadequate to meet the demand. If we exclude part-time job training programs under federal sponsorship and limit ourselves to meaningful national service programs, only a tiny number of youth was involved. The Peace Corps has enrolled about 6,000, with 60 percent under the age of twenty-six. VISTA numbered 4,000, with 40 percent under the age of twenty-six. In addition, there was a National Teacher Corps of 200 and a National Health Service Corps of 700. Plans being developed for the Young Adult Conservation Corps anticipated 22,500 participants. William James's aspirations were not being implemented even on a token basis.

Actual numbers enrolled are hardly meaningful indicators of the interest of youth in such enterprises. These programs are conducted in a low key, with little publicity. No doubt there are more qualified applicants than actual recruits. The number of available positions in the Peace Corps is oversubscribed eight to ten times. On the other hand, the number with "realistic" interests should not be inferred from the findings of "rough and ready"—that is superficial—public opinion polls. While surveys indicate considerable popular support for the idea of national service—one year, for example—it is my assessment that only a minority of eligible youth have attitudes in strong

[23] Elijah Anderson, "Some Observations of Black Employment," *Youth Employment and Public Policy*, ed. Bernard E. Anderson and Isabel V. Sawhill (Englewood Cliffs, N.J.: Prentice-Hall, 1980), pp. 64-87.

[24] Morris Janowitz, "The Logic of the National Service," in Tax, ed., *The Draft*, pp. 73-90.

[25] The Potomac Institute, *Youth and the Needs of the Nation*, p. 92

support, while the bulk are relatively indifferent. Of course, an important segment of the indifferent might be mobilized if demonstration projects were successfully executed. Over the last thirty years, I have informally interviewed hundreds of college students about their attitudes toward participation in national service. Those interviews have helped me assess contemporary youth attitudes.

Various public opinion polls indicate that adults, especially adults over fifty years of age, are strongly in support of national service. But they are not the persons who would be involved. Expressed levels of support depend on the wording of the question—whether respondents are being asked about one year, eighteen months, or even two years. The longer the period, the less the support. There is a clear element of negativism in certain groups toward compulsory inclusion of females. While older persons are strongly in support—in fact, up to 70 or 80 percent—attitudes of younger people are more balanced, with strong concentrations of young people in the "don't know" category.

The issue of voluntary versus obligatory service complicates the answers given. On the one hand, there are those whose support of national service is based on a voluntary decision to make the enterprise compatible with their conception of a democratic society. On the other hand, many support national service only if it is presented as obligatory—that is, based on equality of obligation.

The careful observer of the potential of national service needs to keep in mind that each year hundreds of thousands of college students become bored, restless, and unclear about their academic and personal goals, and take a year off school. Most of the time off is spent in routine work. Although these students often report that much of the time was spent in boring work, the experience sometimes had a good effect on their academic work, and sharpened their career goals. More and more students are taking such breaks, and only in part for economic reasons. These interruptions could be articulated into effective national service assignments.

It has been my experience that, while a minority—perhaps as many as 20 or 25 percent of college students—is attracted to the idea of national service, the bulk of the student body has profound reservations, regardless of the extent to which they offer appropriate verbal support. National service is certainly not limited to college-bound students, but they are very important if it is to be a success.

The barrier to national service is that most college students have the very attitudes William James sought to avoid—self-interest and narrow concern with their own careers. Only if reluctant participants think the experience would be good for their careers—for example, increase their maturity—is a more favorable outlook expressed. In short, the "monetarization" of careers is powerful, as is the struggle to perform effectively in the academic setting. The language of economics has penetrated the rhetoric and overt consciousness of the modal college student. Some even describe national service as a special form of conscription which represents a hidden and unjustified form of taxation. They speak the language of Milton Friedman. The thought that such a tax might be justified is frequently dismissed out of hand.

If we probe more deeply, we find that economic self-interest covers a different set of negative and hostile attitudes toward national service. An important segment of young men and women who would be eligible to serve believe that national service would be too authoritarian—too rigid, too formalized, and too much of an invasion of privacy. In particular, the large-scale character of national service would interfere with the personal search for pleasure. The spread of sexual freedom before marriage also reduces the attractiveness of enterprises such as military and national service. Young people often equate the pattern of life in the military with that which they expect to encounter in national service.

Thus, negative attitudes toward national service reflect the resistance of young people to large-scale organizations—to the inefficiencies and arbitrariness of such institutions, especially remote federal agencies, and to the mistrust that bureaucracies develop. Advocates of national service are well aware of this issue and have sought defensive strategies. If one examines literature prepared after 1975 on forms of national service, one finds the phrase *community service* given strong emphasis, and for two important reasons. First, it needs to be recognized that particular projects can be organized and monitored by private sector groups, in particular by not-for-profit organizations. Second, national service programs can be community oriented rather than organized on a national basis, and as a result can be of small scale and limited scope. Both dimensions are designed to overcome the resistance of young people to participation in massive projects.

Resistance is reinforced by the reluctance of many professionals and administrators who see national service—and various forms of community service—as a threat to their own organization's fiscal support and operating mandate. The development of national service would alter the organization of education, social welfare, and health service, as well as environment and conservation practices. Paradoxically, public school personnel are often highly reluctant to see experimental national service programs implemented, and college and university officials are often

indifferent or even opposed. Change is generally resisted in agencies that would need to be articulated with national service. Trade union organizations, in particular sectors, are also resistant to involving personnel in national service schemes.

However, agitation for national service is persistent. The form most often pressed is voluntary national service to be introduced on a step-by-step basis. A handful of congressional leaders are strongly in favor. Others have favorable attitudes but are unwilling to express them openly.

In the post-Vietnam period, with the introduction of the all-volunteer force officially on 30 June 1973, the debate on national service was broadened to include military service. The all-volunteer military, hard-pressed to recruit adequate numbers and quality, has prompted markedly different policy positions on the issue of military and national service. A small but vocal group of national leaders believe in the need for a return to conscription, which would in effect be obligatory national service. They recommend a form of universal obligatory service, with the option of selecting either military or civilian service. Would such a system generate adequate military recruits?

A second approach is that of *voluntary* national service, again with the option of selecting military or civilian service. It would add volunteer civilian national service to the volunteer military recruiting system already in effect. Military manpower planners have been doubtful whether such an arrangement would assist the military, especially in the combat arms. These two alternatives are offered as fundamentally at variance, and compromise is not seen as very feasible. As a result, efforts to link national service to military manpower requirements have not served to increase the prospects of national service in any form. Rather, the debate over national service, like so many fundamental legislative issues, fails to highlight the areas of agreement.

In the next chapter I shall explore the convergence of obligatory and voluntary national service. I shall seek to explore national service as an aspect of citizenship, with the logistical and organizational issues in their proper setting.

# A HISTORY OF ORIGINAL AND SECONDARY MATERIALS

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The readings in this syllabus develop the legal history of American citizenship from its British and colonial origins to the present. These materials stress citizenship as a legal concept rather than as a social or cultural artifact. Yet the meaning of citizenship, as a matter of law, has constantly been framed by cultural and social demands. Just knowing what the term citizenship means at any time is less important than understanding *why*, it took on the meaning that it did. Citizenship as a legal concept has had different meanings for different groups throughout history. We are all familiar, for example, with the terms "first and second class citizenship," which convey the idea that some people, as citizens, are more equal before the law than others. In the case of American history, that has certainly been the case with blacks; Native Americans, and women. The materials in this syllabus are designed not only to reveal variations in the legal status of these groups but to suggest why differences have existed. Since citizenship is the formal means by which people are admitted to participate in the community that we call America, rules about who is to be a citizen, and how they are to be admitted, have a great deal to do with the social and political complexion of the nation.

In Western society, citizens have historically enjoyed a preferred legal position. Aliens, serfs, women, and children, for example, were historically treated as passive subjects, while a citizen, who participated actively in the political community, possessed certain rights, and was required to fulfill certain obligations. In the ancient and mediaeval worlds, citizenship was based on status. It was not enough, for example, to be born within the Roman Empire in order to claim full citizenship. The ancient Roman concept of *civis* and *civitas* had nothing to do with one's place of living and only slightly more with one's place of birth. Instead, they reflected an individual's place within the social order, with the coveted prize of citizenship conveyed on only a few. This ancient meaning of citizenship refused to recognize the idea of human equality in the exercise of political power.

The modern legal meaning of citizenship gradually emerged from the sixteenth through nineteenth centuries as a result of two developments: First, the establishment of the modern nation-state with its claims to specified territorial boundaries and its sovereign authority to establish rules of social conduct within that territory and secondly, the rise, in the late seventeenth and eighteenth centuries, of the social contract theories of Enlightenment political philosophers. Such thinkers as John Locke stressed that when individuals consented to leave the state of nature and join society, the state assigned them a status as citizen and promised to protect them in the exercise of their rights. Citizenship, however, was seen as a reciprocal condition: individuals gained this legal status in return for an agreement to share in certain public burdens, notably taxation and military service. Citizenship was also perpetual. In this era, the English, to whose legal history we look most fully for our meaning of citizenship, had no idea of expatriation. Once an individual became a citizen of England, he was always a citizen. The idea of expatriation argues that a person should be free to enter into or leave the condition of citizenship. This concept of volitional citizenship influences political stability and public order. Why, for example, should you be free to renounce your American citizenship? Why, for that matter, was it important for the American colonists to work toward their own definition of citizenship? What was the outcome? How much difference did it make that the American revolutionaries adopted the concept of volitional citizenship?

The Articles of Confederation and the Constitution have precious little to say about citizenship. The unamended Constitution mentions the word three times, and the amended Constitution uses it a total of eleven times. Yet nowhere is it defined. Article I, Section B, of the Constitution authorizes Congress "to establish a uniform Rule of naturalization." But it does not spell out the legal meaning of citizenship. Congress has the authority to admit whom it wants into the national community, but the states, as separate political and legal actors within the federal system, also claimed that they too could establish the terms of citizenship. One of the most perplexing questions of the antebellum era was whether a person was first and foremost a citizen of a state or of the nation. The institution of slavery enormously complicated this matter, since, if slaves were citizens, they could make claims on the protections of the federal Constitution to free themselves from bondage and to destroy the property interests of their masters, a matter that the Supreme Court attempted to deal with in the famous case of *Dred Scott v. Sandford* (1857).

From both a legal and social perspective the question of who was a citizen was even more complicated than drawing a line between slaves and free whites. Other groups in the social order were also involved, notably free blacks, Native Americans, and women. The case of Native Americans is particularly interesting, since by birthright they had a powerful claim upon full citizenship. Yet they were not granted this status until our own century. The issue of the primacy of federal or state citizenship also had implications for the concept of expatriation. If the citizens of the states could expatriate themselves from national citizenship, they could effectively secede from the Union. Did not the Confederates have a point: if the national government was placing unreasonable burdens on them, then should they not have had, as the revolutionaries of 1776 had, a right to revolt from established authority? Did they not have a right to renounce their citizenship in the Union and establish it in the Confederacy? As a legal matter, how did the Confederate Constitution define citizenship? Was it different from that relied upon by the Federal government?

Reconstruction, following the Civil War, brought what was arguably the most important development in the history of American citizenship: the Fourteenth Amendment, especially the first two sections which raise major questions. To whom did the Amendment extend citizenship? What did the Amendment do to the old distinction drawn between federal and state citizenship? What is the importance, of the term "person" in the Amendment? Is it possible to read the Amendment to mean that even aliens were to be protected in the enjoyment of certain rights? Based on the Thirteenth, Fourteenth, and Fifteenth Amendments, who was given authority to establish the broad outlines of the American political community? About such issues, the decision by the Supreme Court in the *Slaughter-House* cases (1873) contrasts with the reasoning employed in *Dred Scott*, and in *Plessy v. Ferguson* (1896). How was it possible for blacks, after the Fourteenth Amendment, to become "second class" citizens?

Cultural tension accompanied racial tension in late nineteenth-century America. Immigrants flowed into America, providing the human resources essential to the process of industrialization, but also stirring great resentment among some native-born Americans, who turned to the legal system to find ways of excluding some groups, such as the Chinese and the Japanese, and limiting the flow of others. At the same time, the legal definition of citizenship and the rules by which it was established had much to do with easing alien entry into the new society.

The problem of cultural tension spilled over into matters of national security, perhaps most dramatically during the Cold War. The themes of national security and immigration control have been closely related throughout the nation's history, but beginning with World War I they became critical, gaining even greater attention in the last forty years. Should Americans be allowed to reject their citizenship for that of another nation? Is it proper for the national government to deport people? Is it wise to have distinctions in our constitutional system between those people who are naturalized citizens and those who claim their citizenship by birth? What is the proper legal response to the millions of people who have entered the United States? Should we rethink our traditional ideas about volitional and birthright citizenship? Are we making the problem of illegal aliens entering the country worse by granting them constitutional protections and by affording them access to various public assistance programs? Or, is too little being done? Are there some protections and benefits that citizens should receive that aliens should not? What problems of fairness and justice are raised by these matters?

The last section of the syllabus considers the larger historical issues raised by the legal development of citizenship. How important has the law of citizenship been in defining the social and political character of the American nation? What are the major themes connecting the colonial era with today? Has American law, with regard to citizenship, changed a great deal or very little between 1607 and 1987?

## *READINGS*

**Weeks 1 and 2** *The English and Colonial Origins of American Citizenship*

### *Primary Readings*

*Calvin's Case*, 7 Coke's Rep. la (1608).

W.A. Shaw, ed., *Letters of Denization and Acts of Naturalization for Aliens in England and Ireland, 1603-1700* [Huguenot Society of London, Publications LVIII (Lymington, 1911)].

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Josiah Tucker, *Reflections on the expediency of a law for the Naturalization of Foreign Protestants*, (London, 1751), pt. 1.

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Michael Kammen, "The Meaning of Colonization in American Revolutionary Thought," *Journal of the History of Ideas*, 31 (1970): pp. 337-358.

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Robert F. Seybolt, *The Colonial Citizen of New York City: A Comparative Study of Certain Aspects of Citizenship Practice in Fourteenth-Century England and Colonial New York City* (Madison: University of Wisconsin Press, 1918).

**Week 3** *The Revolution and the Constitution*

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*Respubulica v. Chapman*, 1 Dallas 53 (Pa. S.C., 1781).

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Articles of Confederation.

Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers*, with an introduction by Clinton Rossiter (New York: The New American Library, 1961), pp. 199, 266-291.

***Secondary Readings***

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Bradley Chapin, *The American Law of Treason: Revolutionary and Early National Origins*, (Seattle: University of Washington Press, 1964), chapters 1-4.

**Weeks 4 and 5** *Federal and State Relations Before the Civil War*

***Primary Readings***

*Talbot and Janson*, 3 Dallas 133 (U.S., 1795).

*Young v. Peck*, 21 Wendell 389 (New York, 1839).

Act of Congress, March 26, 1790.

Horace Binney, "The Alienigenae of the United States," *American Law Register* 2 (1854): pp. 193-210.

Act of Congress, April 14, 1802.

Act of Congress, March 26, 1804.

Act of Congress, June 18, 1798.

Act of Congress, June 25, 1798.

Act of Congress, June 6, 1798.

*Chirac v. Chirac*, 2 Wheaton 259 (U.S., 1817).

*United States v. Ritchie*, 17 Howard 525 (U.S., 1854).

*Corfield v. Coryell*, 4 Washington D.C. 371 (U.S.C., Pa., 1823).

[John Lowell], *Review of a Treatise on Expatriation by George Hay, Esq.*, (Boston, 1814).

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John P. Roche, "Pre-Statutory Denaturalization," *Cornell Law Quarterly*, 35 (1949-1950: pp. 120-137.

John C. Miller, *Crisis in Freedom: The Alien and Sedition Acts*, (Boston: Little, Brown, 1951), pp. 47-48, 163-193.

**Week 6** *Free Blacks and Slaves*

***Primary Readings***

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*Somerset v. Stewart*, Lofft 1; 98 E.R. 567 (K.B., 1772).

*The Antelope*, 10 Wheat. 66 (U.S., 1925).

*Dred Scott v. Sanford*, 19 Howard 393 (U.S., 1897). (This case is approximately 70 pages long, and a thorough reading of it is essential to understanding the profound implications that it had for citizenship.)

*Annals of Congress*, 16th Congress, 2nd session, pp. 47-58, 90-93, 545-560, 590-599, 629-633.

*Roberts v. City of Boston*, 5 Cushing 198 (Mass., 1849).

*Hobbs v. Fogg*, 6 Watts 553 (Pa., 1843).

*State v. Newsom*, 5 Irdell 250 (N.C., 1844).

*Amy v. Smith*, 1 Littell 326 (Ky., 1822).

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William M. Wiecek, *"Somerset: Lord Mansfield and the Legitimacy of Slavery in the Anglo-American World,"* University of Chicago Law Review, 42 (1974-1975).

Leon Litwack, *North of Slavery*, (Chicago: University of Chicago Press, 1961). pp. 30-63.

Don E. Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics*, (New York, 1978), pp. 48-73, 267-284, and 335-364.

**Week 7** *The Civil War and Reconstruction*

***Primary Readings***

W. Patrick, ed., *Opinions of the Confederate Attorneys General, 1861-1865*, (1950), pp. 114-115.

Confederate States of America Constitution.

United States Constitution, Amend. 14.

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Act of Congress, April 9, 1866.

*The Slaughter-House Cases*, 16 Wall. 36 (1873).

*Congressional Globe*, 39th, 1st Sess., contains extensive debates on the Fourteenth Amendment and its implications for the citizenship of blacks and other persons. See especially in part one, pp. 460-475, in part two, pp. 1110-1117, 1830-1840, and in part three, pp. 2760-2775.

*Plessy v. Ferguson*, 163 U.S. 537 (1896).

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Charles Robert Lee, *The Confederate Constitutions*, (Chapel Hill: University of North Carolina Press, 1963), pp. 1-44.

Alexander Bickel, "Citizenship in the American Constitution," *Arizona Law Review*, 15 (1973): pp. 369-387.

Robert J. Kaczorowski, "Searching for the Intent of the Framers of the Fourteenth Amendment," *Connecticut Law Review*, 5 (1972-1973): pp. 368-398.

**Week 8** *Native Americans and Citizenship*

***Primary Readings***

*Governor and Company of Connecticut and Moheagan Indians, by their Guardians. Certified Copy of Book of Proceedings before Commissioners of Review* (London, 1769). This is an extensive document dealing with one of the most important early controversies over the legal status of Indians and their rights to land among white settlers.

*Dred Scott v. Sandford*, 19 Howard 393 (U.S., 1857), see especially pp. 393-402, 420.

*Parent v. Walmsly*, 20 Ind. 82 (Indiana, 1863).

Benjamin Hall, comp. *Opinions of Attorneys General (of the United States)* (1857), 2:p. 462, 3:pp. 585-586.

*Peters' Case*, 2 Johns. Cas. 344 (New York, 1801).

*Jackson v. Wood*, 7 Johns. Cas. 290 (New York, 1810).

*Worcester v. Georgia*, 6 Peters 515 (U.S., 1832).

*Cherokee Nation v. Georgia*, 5 Peters 1 (U.S., 1831).

Act of Congress, February 8, 1887.

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Michael T. Smith, "The History of Indian Citizenship," *Great Plains Journal*, 10 (1975): pp. 25-35.

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Joseph C. Burke, "The Cherokee Cases: A Study in Law, Politics, and Morality," *Standard Law Review*, 21 (1968-1969): pp. 500-531.

Wilcomb E. Washburn, *The Assault on Indian Tribalism: The General Allotment Law (Dawes Act) of 1887* (Philadelphia: Lippincott, 1975), pp. 1-23, 90-119.

**Week 9** *The Chinese and the Japanese: The Denial of Citizenship*

***Primary Readings***

*Yick Wo v. Hopkins*, 188 U.S. 356 (1886).

*Chinese Exclusion Case*, 130 U.S. 581 (1889).

Act of Congress, May 6, 1882.

Act of Congress, September 13, 1888.

Act of Congress, May 5, 1892.

Act of Congress, April 29, 1902.

*Fong Yue Ting v. United States*, 149 U.S. 698 (1893).

*Ozawa v. United States*, 260 U.S. 178 (1922).

Executive Order 9102, 7 *Federal Register* 2165 (1942).

*Korematsu v. United States*, 320 U.S. 214 (1944).

*Hirabayashi v. United States*, 320 U.S. 81 (1943).

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Roger Daniels, *The Politics of Prejudice* (Berkeley: University of California Press, 1962), pp. 92-110.

Louis Henkin, "The Constitution and United States Sovereignty: A Century of Chinese Exclusion and Its Progeny," *Harvard Law Review*, 100 (1987): pp. 853-886.

Peter Irons, *Justice at War: The Story of the Japanese American Internment Cases* (New York: Oxford University Press, 1983), pp. 25-47.

**Week 10** *Naturalization and Immigration of Europeans in the Late Nineteenth and Early Twentieth Centuries*

***Primary Readings***

Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers*, with an introduction by Clinton Rossiter, pp. 37-41, 199, 266-291.

U.S. Congress, *Hearings: Administration of Immigration Laws*, 66th Congress, 2 Sess., 1920.

*Ohio ex rel. Clarke v. Deckenbach* 274 U.S. 392 (1927).
Act of Congress, May 26, 1924.
Act of Congress, March 3, 1903.
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Act of Congress, May 10, 1920.
Act of Congress, May 19, 1921.
John R. Commons, *Race and Immigrants in America* (1907), pp. 1-29, 80-117.

***Secondary Readings***

Paul L. Murphy, *The Constitution in Crisis Times, 1918-1969* (New York: Harper and Row, 1972), pp. 41-97.

John Higham, *Strangers in the Land: Patterns of American Nativism 1860-1925* (New York: Atheneum, 1969), pp. 106-130, 264-330.

Peter H. Schuck and Rogers M. Smith, *Citizenship Without Consent: Illegal Aliens in the American Polity* (New Haven: Yale University Press, 1985): pp. 90-115.

**Week 11** *Citizenship, Deportation, Expatriation, and Aliens, 1945-1970*

***Primary Readings***

*Afroyim v. Rusk*, 387 U.S. 253 (1967).
*Immigration Service v. Errico*, 385 U.S. 214 (1966).
*D'Aquino v. United States*, 192 Fed. 2nd 338 (C.C.A., 9th 1951).
*Trop v. Dulles*, 356 U.S. 86.

***Secondary Readings***

Leonard B. Boudin, "Involuntary Loss of American Nationality," *Harvard Law Review*, 73 (1960): pp. 1510-1531.

Eleanor M. Kraft, "Constitutional Law: Citizenship: Statutory Expatriation," *Cornell Law Review*, 44 (1959): pp. 593-600.

John P. Roches, "The Loss of American Nationality: The Development of Statutory Expatriation," *University of Pennsylvania Law Review*, 99 (1950): pp. 25-71.

Stanley I. Kutler, *The American Inquisition: Justice and Injustice in the Cold War* (New York: 1982), pp. 3-32, 89-117.

Schuck and Smith, *Citizenship Without Consent: Illegal Aliens in the American Polity*, pp. 116-140.

**Week 12** *The Law of Citizenship and the Meaning of Community*

***Primary Readings***

"Hayakawa English Language Amendment," Senate Joint Resolution 20, 99th Congress, 1st Sess. (1985).
*Mathews v. Diaz*, 426 U.S. 67 (1976).
*Sugarman v. Dougall*, 413 U.S. 634 (1973).
*Myquist v. Mauclet*, 432 U.S. (1977).

## *Constitution of the Confederate States of America*

### CONSTITUTION OF THE CONFEDERATE STATES OF AMERICA

We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent Federal Government, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity —invoking the favor and guidance of Almighty God —do ordain and establish this Constitution for the Confederate States of America.

### ARTICLE I.

Section 1. All legislative powers herein delegated shall be vested in a Congress of the Confederate States, which shall consist of a Senate and a House of Representatives.

Section 2—1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall be citizens of the Confederate States, and have the qualifications requisite for electors of the most numerous branch of the State Legislature, but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any office, civil or political, State or Federal.

2. No person shall be a representative who shall not have attained the age of twenty-five years, and be a citizen of the Confederate States, and who shall not, when elected, be an inhabitant of the State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Confederacy, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and including Indians not taxed, three-fifths of all slaves. The actual enumeration shall be made within three years after the first meeting of the Congress of the Confederate States, and within every subsequent term

of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every fifty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of South Carolina shall be entitled to choose six; the State of Georgia, ten; the State of Alabama, nine; the State of Florida, two; the State of Mississippi, seven; the State of Louisiana, six; and the State of Texas, six.

4. When vacancies happen in the Representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers: and shall have the sole power of impeachment: except that any judicial or other Federal officer resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.

Section 3.—1. The Senate of the Confederate States shall be composed of two Senators from each State, chosen for six years by the Legislature thereof, at the regular session next immediately preceding the commencement of the term of service; and each Senator shall have one vote.

2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year, and if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained the age of thirty years, and be a citizen of the Confederate States, and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

4. The Vice-President of the Confederate States shall be President of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers and also a President pro temper in the absence of the Vice-President, or when he shall exercise the office of President of the Confederate States.

6. The Senate shall have sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the Confederate States is being tried, the Chief Justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the Confederate States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law.

Section 4—1. The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislatures thereof, subject to the provisions of the Constitution; but the Congress may, at any time, by law, make or alter such regulations, except as to the times and places of choosing Senators.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different date.

Section 5—1. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds of the whole number, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such part as may in their judgment require secrecy, and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days; nor to any other place than that in which the two Houses shall be sitting.

Section 6—1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the Confederate States. They shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Confederate States, which shall have been created, or the emolu-

ments whereof shall have been increased during such time, and no person holding office under the Confederate States shall be a member of either House during his continuance in office. But Congress may, by law, grant to the principal officer in each of the executive departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his department.

Section 7—1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed both Houses shall, before it becomes a law, be presented to the President of the Confederate States; if he approves he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated; who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be considered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. The President may approve any appropriation, and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in the case of other bills disapproved by the President.

3. Every order, resolution or note, to which the concurrence of both Houses may be necessary (except on a question of adjournment) shall be presented to the President of the Confederate States, and before the same shall take effect, shall be approved by him; or being disapproved by him, shall be repassed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

Section 8. The Congress shall have power—

1. To lay and collect taxes, duties, imposts and excises, for revenue necessary to pay the debts, provide for the common defence, and carry on the Government of the Confederate States; but no bounties shall be granted from the treasury; nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry; and all duties, imposts and excises shall be uniform throughout the Confederate States.

2. To borrow money on the credit of the Confederate States.

3. To regulate commerce with foreign nations and among the several States, and with the Indian Tribes; but neither this nor any other clause contained in the Constitution shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce; except for the purpose of furnishing lights, beacons and buoys, and other aids to navigation upon the coasts, and the improvement of harbors and the removing of obstructions in river navigation, in all which cases such duties shall be laid on the navigation facilitated thereby, as may be necessary to pay the costs and expenses thereof.

4. To establish uniform laws of naturalization and uniform laws on the subject of bankruptcies throughout the Confederate States; but no law of Congress shall discharge any debt contracted before the passage of the same.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederate States.

7. To establish postoffices and post routes, but the expenses of the Postoffice Department, after the first day of March, in the year of our Lord eighteen hundred and sixty-three, shall be paid out of its own revenues.

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute

the laws of the Confederate States, suppress insurrections and repel invasions.

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States; reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square), as may, by cession of one or more States and the acceptance of Congress, become the seat of the government of the Confederate States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the government of the Confederate States, or in any department or officer thereof.

Section 9—1. The importation of negroes of the African race from any foreign country, other than the slave-holding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

2. Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to this Confederacy.

3. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

4. No bill of attainder or *ex post facto* law, or law denying or impairing the right of property in negro slaves shall be passed.

5. No capitation or other direct tax shall be laid, unless in proportion to the census of or enumeration hereinbefore directed to be taken.

6. No tax or duty shall be laid on articles exported from any State, except by a vote of two-thirds of both Houses.

7. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

8. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

9. Congress shall appropriate no money from the treasury except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the Heads of Department, and submitted to Congress by the President; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the government, which is hereby made the duty of Congress to establish.

10. All bills appropriating money shall specify in federal currency the exact amount of such appropriation, and the purposes for which it is made, and Congress shall grant no extra compensation to any public contractor, officer, agent or servant, after such contract shall have been made, or such service rendered.

11. No title of nobility shall be granted by the Confederate States; and no person holding any office of profit or trust under them shall, without consent of Congress, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign State.

12. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assembly and petition the Government for a redress of their grievances.

13. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

14. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

15. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probably cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

16. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

17. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall

have been previously ascertained by law, and to be informed of the nature and cause of the accusations to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

18. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact so tried by a jury shall be otherwise re-examined in any court of the Confederacy, than according to the rules of common law.

19. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

20. Every law, or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

Section 10—1. No State shall enter into any treaty, alliance or conferation; grant letters of marque and reprisal; coin money; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder or *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws, and the net proceeds of all duties and imposts laid by any State on exports or imports shall be for the use of the treasury of the Confederate States; and all such laws shall be subject to the revision and control of Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, except on sea-going vessels, for the improvement of its rivers and harbors navigated by the said vessels, but such duties shall not conflict with any treaties of the Confederate States with foreign nations, and any surplus revenue thus derived, shall, after making such improvement, be paid into the common treasury; nor shall any State keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. But when any river divides or flows through two or more States, they may enter into compact with each other to improve the navigation thereof.

## ARTICLE II.

Section 1—1. The executive power shall be vested in a President of the Confederate States of America. He and the Vice-President shall hold their offices for the term of six years, but the President shall not be re-eligible. The President and Vice-President shall be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the Confederate States shall be appointed an elector.

3. The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the Confederate States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the vote shall then be counted, the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice; and if the House of Representatives shall not choose a President whenever the right of choice shall devolve on them before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President.

4. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for that purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

5. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the Confederate States.

6. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the Confederate States.

7. No person except a natural born citizen of the Confederate States, or a citizen thereof at the time of the adoption of this Constitution, or a citizen thereof born in the United States prior to the 20th of December, 1860, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the limits of the Confederate States, as they may exist at the time of his election.

8. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

9. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the Confederate States, or any of them.

10. Before he enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States, and will, to the best of my ability, preserve, protect and defend the Constitution thereof."

Section 2—1. The President shall be Commander-in-Chief of the Army and Navy of the Confederate States, and of the militia of the several States, which called into the actual service of the Confederate States; he may require the opinion in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the Confederate States, except in cases of impeachments.

2. He shall have power by, and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate; and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the Confederate States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law, vest the appointments of such inferior officers as they think proper, in the President alone, in the courts of law or in the heads of departments.

3. The principal officer in each of the Executive Departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers of the Executive Department may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty, and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

4. The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session; but no person rejected by the Senate shall be reappointed to the same office during their ensuing recess.

Section 3. The President shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them with respect to the time of adjournment he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all officers of the Confederate States.

Section 4. The President, Vice President, and all civil officers of the Confederate States, shall be removed from office on impeachment for and conviction of reason, bribery, or other high crimes and misdemeanors.

## ARTICLE III.

Section 1. The judicial power of the Confederate States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and Inferior Courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

Section 2—1. The judicial power shall extend to all cases arising under this Constitution, the laws of the Confederate States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consults; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederate States shall be a party; to controversies between two or more

States; between a State and citizens of another State where the State is plaintiff; between citizens claiming lands under grants of different States, and between a State or the citizens thereof and foreign States, citizens or subjects; but no State shall be sued by a citizen or subject of any foreign State.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State or at such place or places as the Congress may by law have directed.

Section 3—1. Treason against the Confederate States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

## ARTICLE IV.

Section 1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records and judicial proceedings shall be proved, and the effect thereof.

Section 2—1. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired.

2. A person charged in any State with treason, felony or other crimes against the laws of such State, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No slave or other person held to service or labor in any State or Territory of the Confederate States, under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim to the party to whom such slave belongs, or to whom such service or labor may be due.

Section 3—1. Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives, and two-thirds of the Senate—the Senate voting by States; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations concerning the property of the Confederate States, including the lands thereof.

3. The Confederate States may acquire new territory, and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them, at such times and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory, the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the Territorial Government; and the inhabitants of the several Confederate States and Territories shall have the right to take to such Territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.

4. The Confederate States shall guarantee to every State, that is now or may hereafter become a member of this Confederacy, a Republican form of Government, and shall protect each of them against invasion; and on application of the Legislature (or of the Executive when the Legislature is not in session) against domestic violence.

## ARTICLE V.

Section 1. Upon the demand of any three States, legally assembled in their several Conventions, the Congress shall summon a Convention of all the States, to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the said demand is made; and should any of the proposed amendments to the Constitution be agreed on by the said Convention—voting by States—and the same be ratified by the Legislatures of two-thirds of the several States, or by Conventions in two-thirds thereof—as the one or the other mode of ratification may be proposed by the General Convention—they shall thenceforward

form a part of this Constitution. But no State shall, without its consent, be deprived of its legal representation in the Senate.

## ARTICLE VI.

Section 1—1. The government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

2. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the Confederate States, under this Constitution, as under the Provisional Government.

3. This Constitution, and the laws of the Confederate States made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederate States shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

4. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the Confederate States and of the several States, shall be bound by oath or affirmation to support the Constitution, but no religious test shall ever be required as a qualification to any office or public trust under the Confederate States.

5. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people of the several States.

6. The powers not delegated to the Confederate States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people thereof.

## ARTICLE VII.

Section 1—1. The ratification of the Convention of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

2. When five States shall have ratified this Constitution, in the manner before specified, the Congress, under the Provisional Constitution, shall prescribe the time for holding the election of President and Vice President for the meeting of the Electoral College; and for counting the votes and inaugurating the President. They shall also prescribe the time for holding the first election of members of Congress under this Constitution, and the time for assembling the same. Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them; not extending beyond the time limited by the Constitution of the Provisional Government.

## *The Constitution of the United States*

## THE CONSTITUTION OF THE UNITED STATES

WE THE PEOPLE OF THE UNITED STATES, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the

United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof, but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration

herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law, and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or Foreign State.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws; and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## ARTICLE II.

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse, the President; But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse, from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President, neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which

he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of president of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the Several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

## ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their authority; —to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

## ARTICLE IV

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.]

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

## ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

## ARTICLE VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

## ARTICLE VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of Our Lord one thousand seven hundred and Eighty seven and of the Independance of the United States of America the Twelfth.

In witness whereof We have hereunto subscribed our Names.

Go WASHINGTON—Presidt
and deputy from Virginia

*New Hampshire*, John Langdon, Nicholas Gilman
*Massachusetts*, Nathaniel Gorham, Rufus King
*Connecticut*, Wm Saml Johnson, Roger Sherman
*New York*, Alexander Hamilton
*New Jersey*, Wil: Livingston, David A. Brearley, Wm Paterson, Jona: Dayton
*Pennsylvania*, B Franklin, Thomas Mifflin, Robt Morris, Geo. Clymer, Thos FitzSimons, Jared Ingersoll, James Wilson, Gouv Morris
*Delaware*, Geo: Read, Gunning Bedford jun, John Dickinson, Richard Bassett, Jaco: Broom
*Maryland*, James McHenry, Dan of St Thos Jenifer, Danl Carroll
*Virginia*, John Blair, James Madison Jr.
*North Carolina*, Wm Blount, Richd Dobbs Spaight. Hu Williamson
*South Carolina*, J. Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.
*Georgia*, William Few, Abr Baldwin

## Amendments to the Constitution

Articles in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

### ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### ARTICLE II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

### ARTICLE III.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

### ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

### ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

### ARTICLE VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

### ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

### ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

### ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. [The first ten amendments went into effect December 15, 1791.]

### ARTICLE XI.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State. [January 8, 1798.]

### ARTICLE XII.

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; - The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; - The person having the greatest number of votes for President, shall be the President, if such number be a

majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state have one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. - The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States. [September 25, 1804.]

## ARTICLE XIII.

*Section 1.* Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

*Section 2.* Congress shall have power to enforce this article by appropriate legislation. [December 18, 1865.]

## ARTICLE XIV.

*Section 1.* All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

*Section 2.* Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

*Section 3.* No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

*Section 4.* The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

*Section 5.* The Congress shall have power to enforce, by appropriate legislation, the provisions of this article. [July 28, 1868.]

## ARTICLE XV.

*Section 1.* The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

*Section 2.* The Congress shall have power to enforce this article by appropriate legislation.[March 30, 1870.]

## ARTICLE XVI.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration. [February 25, 1913.]

### ARTICLE XVII.

The Senate of the United States shall be composed of two senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution. [May 31, 1913.]

### ARTICLE XVIII.

After one year from the ratification of this article, the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

The Congress and several States shall have concurrent power to enforce this article by appropriate legislation.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission thereof to the States by Congress. [January 29, 1919.]

### ARTICLE XIX.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

The Congress shall have power by appropriate legislation to enforce the provisions of this article. [August 26, 1920.]

## The Articles of Confederation and Perpetual Union

### THE ARTICLES OF CONFEDERATION AND PERPETUAL UNION

Between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia.

### ARTICLE 1.

The stile of this confederacy shall be "The United States of America."

### ARTICLE 2.

Each State retains sovereignty, freedom and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

### ARTICLE 3.

The said states hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

### ARTICLE 4.

The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively; provided, that such restrictions shall not extend so far as to prevent the removal of property, imported into any State, to any other State of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction, shall be laid by any State on the property of the United States, or either of them.

If any person guilty of, or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offence.

Full faith and credit shall be given in each of these

states to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

## ARTICLE 5.

For the more convenient management of the general interests of the United States, delegates shall be annually appointed, in such manner as the legislature of each State shall direct to meet in Congress, on the 1st Monday in November in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or any other for his benefit, receives any salary, fees, or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States, in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress: and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on Congress, *except for treason*, felony, or breach of the peace.

## ARTICLE 6.

No State, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or state; nor shall any person, holding any office or profit or trust under the United States, or any of them, accept of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign state; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation, or alliance, whatever, between them, without the consent of the United States, in Congress assembled, specifying accurately the purpose for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States, in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defence of such State or its trade; nor shall any body of forces be kept up by any State, in time of peace, except such number only as, in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide, and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States, in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

## ARTICLE 7.

When land forces are raised by any State for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each State respectively, by whom such forces shall be raised, or in such manner as such State shall direct; and all vacancies shall be filled up by the State which first made the appointment.

## ARTICLE 8.

All charges of war and all other expences, that shall be incurred for the common defence or general welfare, and allowed by the United States, in Congress

assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states, within the time agreed upon by the United States, in Congress assembled.

## ARTICLE 9

The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the 6th article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes, taken by land or naval forces in the service of the United States, shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining, finally, appeals in all cases of captures; provided, that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any State, in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given, by order of Congress, to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing determining the matter in question; but, if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without shewing reasons which Congress shall judge sufficient, or, being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall, in like manner, be final and decisive, the judgment or sentence and other proceedings being, in either case, transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: Provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, 'well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward:' provided, also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed under different grants of two or more states, whose jurisdictions, as they may respect such lands and the states which passed such grants, are adjusted, the said grants, or either of them, being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States, in Congress assembled, shall also have the sole and exclusive right the power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians not members of any

of the states; provided that the legislative right of any State within its own limits be not infringed or violated; establishing and regulating post offices from one State to another throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expences of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee to sit in the recess of Congress, to be denominated 'a Committee of the States,' and to consist of one delegate from each State, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States, under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expences; to borrow money or emit bills on the credit of the United States, transmitting, every half year, to the respective states, an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State; which requisitions shall be binding; and, thereupon, the legislature of each State shall appoint the regimental officers, raise the men, and cloathe, arm an equip them in a soldier-like manner, at the expence of the United States; and the officers and men so cloathed, armed, and equipped, shall march at the place appointed and within the time agreed on by the United States, in Congress assembled; but if the United States, in Congress assembled shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed, and equipped in the same manner as the quota of such State, unless the legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, cloathe, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed, and equipped, shall march to the place appointed and within the time agreed on by the United States, in Congress assembled.

The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the United States, or any of them: nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States, in Congress assembled.

The congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof, relating to treaties, alliances or military operations, as, in their judgment, require secrecy; and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his, or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

### ARTICLE 10.

The committee of the states, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine states, shall, from time to time, think expedient to vest them with; provided, that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states, in the Congress of the United States assembled, is requisite.

### ARTICLE 11.

Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

### ARTICLE 12.

All bills of credit emitted, monies borrowed and

debts contracted by, or under the authority of Congress before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

**ARTICLE 13.**

Every State shall abide by the determinations of the United States, in Congress assembled, on all questions which, by this confederation, are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

These articles shall be proposed to the legislatures of all the United States, to be considered, and if approved of by them, they are advised to authorize their delegates to ratify the same in the Congress of the United States; which being done, the same shall become conclusive.

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***Immigration and Naturalization Service v. Errico*, Certiorari to the United States Court of Appeals for the Ninth Circuit Court, Argued October 20, 1966.**

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**OCTOBER TERM, 1966.**
Opinion of the Court. 385 U.S.

Immigration and Naturalization
Service v. Errico.

**CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.**

NO. 54. Argued October 20, 1966. - Decided December 12, 1966.*

Section 241 (f) of the Immigration and Nationality Act, which exempts from deportation an alien who obtained a visa entry to the United States by fraud and misrepresentation where the alien is the spouse, parent or child of an American citizen or of an alien lawfully admitted for permanent residence, and was "otherwise admissible at the time of entry," is construed, in the light of its humanitarian purpose of preventing the breaking up of families, to save from deportation such aliens who misrepresented their status for the purpose of evading quota restriction. Pp. 217-225.

No. 54, 349 F. 2d 541, affirmed; No. 91, 350 F. 2d 279, reversed.

*Solicitor General Marshall* argued the cause for petitioner in No. 54 and for respondent in No. 91. With him on the briefs were *Assistant Attorney General Vinson, Louis F. Claiborn, L. Paul Winings and Charles Gordon.*

[*Together with No. 91, *Scott, aka Plummer v. Immigration and Naturalization Service*, on certiorari to the United States Court of Appeals for the Second Circuit.]

Frank Ierulli argued the cause for respondent in No. 54. With him on the brief was *Edwin J. Peterson.*

*Julius C. Biervliet* argued the cause for petitioner in No. 91. With him on the brief was *Edward Q. Carr, Jr.*

MR. CHIEF JUSTICE WARREN delivered the opinion of the court.

We granted certiorari in these cases to resolve a conflict between the Second and Ninth Circuits on their interpretations of §241 (f) of the Immigration and Nationality Act.[1] The issue is identical in both cases and, therefore, lends itself to a single opinion.

Section 241 (f) reads as follows:

> "The provisions of this section relating to the deportation of aliens within the United States on the ground that they were excludable at the time of entry as aliens who have sought to procure, or have procured visas or other documentation, or entry into the United States by fraud or misrepresentation shall not apply to an alien otherwise admissible at the time of entry who is the spouse, parent, or a child of a United States citizen or of an alien lawfully admitted for permanent residence."

The issue is whether the statute saves from deportation an alien who misrepresents his status for the purpose of evading quota restrictions, if he has the necessary familial relationship to a United States citizen or lawful permanent resident.

Respondent Errico in No. 54, a native of Italy, falsely represented to the immigration authorities that he was a skilled mechanic with specialized experience in repairing foreign automobiles. On the basis of that misrepresentation he was granted first preference quota status under the statutory preference scheme

then in effect, and entered the United States in 1959 with his wife. A child was born to the couple in 1960 and acquired United States citizenship at birth. In 1963 deportation proceedings were commenced against Errico on the ground that he was excludable at the time of entry as not 'of the proper status under the quota specified in the immigrant visa."[2] Throughout the proceedings Errico insisted that he was saved from deportation by §241 (f). The special inquiry officer of the Immigration and Naturalization Service ruled that relief under §241 (f) was not available because Errico had not complied with quota requirements and hence, was not "otherwise admissible at the time of entry." The Board of Immigration Appeals affirmed the deportation order but the Court of Appeals for the ninth Circuit reversed holding that the construction of the statute adopted by the Board would strip it of practically all meaning, since a material misrepresentation would presumably be given to conceal some factor that would bear on admissibility. 349 F. 2d 541. We granted certiorari. 383 U.S. 941.

Petitioner Scott in No. 91, a native of Jamaica, contracted a marriage with a United States citizen by proxy solely for the purpose of obtaining nonquota status for entry into the country. She has never lived with her husband and never intended to do so. After entering the United States in 1958, she gave birth to an illegitimate child, who became an American citizen at birth. When the fraud was discovered, deportation proceedings were begun, and a special inquiry officer of the Immigration and Naturalization Service found her deportable on the grounds that she was not a nonquota immigrant as specified in her visa.[3] The Board of Immigration Appeals affirmed, and the Court of Appeals for the Second Circuit affirmed the Board. 350 F. 2d 279. The court agreed with the Board of Immigration Appeals that a sham marriage contracted solely to circumvent the immigration laws would not confer nonquota status on an alien as the spouse of an American citizen. It also affirmed the ruling that Mrs. Scott was not entitled to relief under §241 (f) because she was not otherwise admissible at the time of entry, since her country's quota was over subscribed. We granted certiorari. 383 U.S. 941.

At the outset it should be noted that even the Government agrees that §241 (f) cannot be applied with strict literalness. Literally, §241 (f) applies only when the alien is charged with entering in violation of §212 (a)(19) of the statute, which excludes from entry "[a]ny alien who...has procured a visa or other documentation...by fraud, or by willfully misrepresenting a material fact."[4] Under this interpretation, an alien who entered by fraud could be deported for having entered with a defective visa or for other documentary irregularities even if he would have been admissible if he had not committed the fraud. The Government concedes that such an interpretation would be inconsistent with the manifest purpose of the section, and the administrative authorities have consistently held that §241 (f) waives any deportation charge that results directly from the misrepresentation regardless of the section of the statute under which the charge was brought, provided that the alien was "otherwise admissible at the time of entry."[5] The Government's argument in both cases is that to be otherwise admissible at the time of entry the alien must show that he would have been admitted even if he had not lied, and that the aliens in these cases would not have been admitted because of the quota restriction. It is the argument of the aliens that our adoption of the government thesis would negate the intention of Congress to apply fair humanitarian standards in granting relief from the consequences of their fraud to aliens who are close relatives of United States citizens, and that the statute would have practically no effect if construed as the Government argues, since it requires a considerable stretch of the imagination to conceive of an alien making a material misrepresentation that did not conceal some factor that would make him inadmissible.

The sharp divergence of opinion among the circuit judges in these cases indicates that the meaning of the words "otherwise admissible" is not obvious. An interpretation of these words requires close attention to the language of §241 (f), to the language of its predecessor, §7 of the 1957 Act,[6] and to the legislative history of these provisions.

The legislative history begins with the enactment of the Displaced Persons Act of 1948, 62 Stat. 1009. This Act provided for the admission to the United States of thousands of war refugees, many from countries that had fallen behind the Iron Curtain. Some of these refugees misrepresented their nationality or homeland while in Europe to avoid being repatriated to a Communist country. In so doing, however, they fell afoul of §10 of the Act, which provided that persons making willful misrepresentations for the purpose of gaining admission "shall therefter not be admissible into the United States." The plight of these refugees, who were excluded from the United States for misrepresentations that were generally felt to be justifiable, inspired recurring proposals for statutory reform. When the Act was revised and codified in 1952, the House Committee recommended adding a provision to save such refugees from deportation when they had misrepresented their nationality or homeland only to avoid repatriation and persecution.[7] The Conference Committee deleted the provision, but an-

nounced its sympathy with the refugees in the following terms:

> "It is also the opinion of the conferees that the sections of the bill which provide for the exclusion of aliens who obtained travel documents by fraud or by willfully misrepresenting a material fact, should not serve to exclude or to deport certain bonafide refugees who in fear of being forcibly repatriated to their former homelands misrepresented their place of birth when applying for a visa and such misrepresentation did not have as its basis the desire to evade the quota provisions of the law or an investigation in the place of their former residence. The conferees wish to emphasize that in applying fair humanitarian standards in the administrative adjudication of such cases, every effort is to be made to prevent the evasion of law by fraud and to protect the interest of the United States." H. R. Rep. No. 2096, 82d cong., 2d Sess., p. 128 (1952).

The Immigration and Naturalization Service and the Attorney General did not construe the statute as the Conference Committee had recommended, believing that the explicit statutory language did not allow for an exemption for justifiable misrepresentation. Refugees who misrepresented their place of origin were always found to have concealed a material fact, since the misrepresentation hindered an investigation of their background.[8]

The misrepresentation section was not the only provision of the 1952 legislation that was widely thought to be unnecessarily harsh and restrictive, and in 1957 Congress passed legislation alleviating in many respects the stricter provisions of the earlier legislation. The purpose of the 1957 Act is perfectly clear from its terms, as well as from the relevant House and Senate Committee Reports.[9] The most important provisions of the Act provide for special nonquota status for the adopted children or illegitimate children of immigrant parents, and for orphans who have been or are to be adopted by United States citizens. Other important provisions allow the Attorney General to waive certain grounds for exclusion or deportation, including affliction with tuberculosis or conviction of a crime involving moral turpitude, on behalf of aliens who are near relatives of United States citizens or of aliens lawfully admitted for permanent residence. The intent of the Act is plainly to grant exceptions to the rigorous provisions of the 1952 Act for the purpose of keeping family units together. Congress felt that, in many circumstances, it was more important to unite families and preserve family ties than it was to enforce strictly the quota limitations or even the many restrictive sections that are designed to keep undesirable or harmful aliens out of the country.[10]

In this context it is not surprising that Congress also granted relief to aliens facing exclusion or deportation because they had gained entry through misrepresentation. Section 7 of the 1957 Act provided that:

> "The provisions of section 241 of the Immigration and Nationality Act relating to the deportation of aliens within the United States on the ground that they were excludable at the time of entry as (1) aliens who have sought to procure, or have procured visas or other documentation, or entry into the United States by fraud or misrepresentation, or (2) aliens who were not of the nationality specified in their visas, shall not apply to an alien otherwise admissible at the time of entry who (A) is the spouse, parent, or child of a United States citizen or of an alien lawfully admitted for permanent residence; or (B) was admitted to the United States between December 22, 1945, and November 1, 1954, both dates inclusive, and misrepresented his nationality, place of birth, identity, or residence in applying for a visa: *Provided*, that such alien described in clause (B) shall establish to the satisfaction of the Attorney General that the misrepresentation was predicated upon the alien's fear of persecution because of race, religion, or political opinion if repatriated to his former home or residence, and was not committed for the purpose of evading the quota restrictions of the immigration laws or an investigation of the alien at the place of his former home, or residence, or elsewhere. After the effective date of this Act, any alien who is the spouse, parent, or child of a United States citizen or of an alien lawfully admitted for permanent residence and who is excludable because (1) he seeks, has sought to procure, or has procured, a visa or other documentation, or entry into the United States, by fraud or misrepresentation, or (2) he admits the commission of perjury in connection therewith, shall hereafter be granted a visa and admitted to the United States for permanent residence, if otherwise admissible, if the Attorney General in his discretion has consented to the alien's applying or reapplying for a visa and for admission to the United States."

This section waived deportation under certain circumstances for two classes of aliens who had entered by fraud or misrepresentation. First, an alien who was "the spouse, parent, or a child of a United States citizen..." was saved from deportation for his fraud if he was "otherwise admissible at the time of entry." Second, an alien who entered during the postwar period and misrepresented his nationality, place of

birth, identity, or residence was saved from deportation if he was "otherwise admissible at the time of entry" *and* if he could

> "establish to the satisfaction of the Attorney General that the misrepresentation was predicated upon the alien's fear of persecution because of race, religion, or political opinion if repatriated to his former home or residence, and was not committed for the purpose of evading the quota restrictions of the immigration laws or an investigation of the alien at the place of his former home, or residence, or elsewhere."

This language would be meaningless if an alien who committed fraud for the purpose of evading quota restrictions would be deportable as not "otherwise admissible at the time of entry." Congress must have felt that aliens who evaded quota restrictions by fraud would be "otherwise admissible at the time of entry" or it would not have found it necessary to provide further that, in the case of an alien not possessing a close familial relationship to a United States citizen or lawful permanent resident, the fraud must not be for the purpose of evading quota restrictions.

This conclusion is reinforced by the fact that Congress further specified that the aliens who were not close relatives of United States citizens must establish that their fraud was not committed for the purpose of evading an investigation. Fraud for the purpose of evading an investigation, if forgiven by the statute, would clearly leave the alien "otherwise admissible" if there were no other disqualifying factor. Elementary principles of statutory construction lead to the conclusion that Congress meant to specify two specific types of fraud that would leave an alien "otherwise admissible" but that would nonetheless bar relief to those aliens who could not claim close relationship with a United States citizen or alien lawfully admitted for permanent residence.

The present §241 (f) is essentially a re-enactment of §7 of the 1957 Act. The legislative history leaves no doubt that no substantive change in the section was intended.[11] The provision dealing with aliens who had entered the United States between 1945 and 1954, and had misrepresented their nationality for fear of persecution or repatriation, was omitted because it had accomplished it purpose; the rest of the section was retained intact.[12] It could hardly be argued that Congress intended to change the construction of the statute by this codification.

The intent of §7 of the 1957 Act not to require that aliens who are close relatives of United States citizens have complied with quota restrictions to escape deportation for their fraud is clear from its language, and there is nothing in the legislative history to suggest the Congress had in mind a contrary result. The only specific reference to the part of §7 that deals with close relatives of United States citizens or residents in the House Committee Report, and it says only that most of the persons eligible for relief would be

> "Mexican nationals, who, during the time when border-control operations suffered from regrettable laxity, were able to enter the United States, establish a family in this country, and were subsequently found to reside in the United States Illegally." H. R. Rep. no. 1199, 85th Cong., 1st Sess., p.11.

Without doubt most of the aliens who had obtained entry into the United States by illegal means were Mexicans, because it has always been far easier to avoid border restrictions when entering from Mexico than when entering from countries that do not have a common land border with the United States. There is nothing in the Committee Report to indicate that relief under the section was intended to be restricted to Mexicans, however. Neither does it follow that, because Mexicans are not subject to quota restriction, therefore nationals of countries that do have a quota must be within the quota to obtain relief.

The construction of the statute that we adopt in these cases is further reinforced when the section is regarded in the context of the 1957 Act. The fundamental purpose of this legislation was to unite families. Refugees from Communist lands were also benefited, but the Act principally granted relief to persons who would be temporarily or permanently separated from their nearest relatives if the strict requirements of the Immigration and Nationality Act, including the national quotas, were not relaxed for them. It was wholly consistent with this purpose for Congress to provide that immigrants who gained admission by misrepresentation, perhaps many years ago, should not be deported because their countries' quotas were oversubscribed when they entered if the effect of deportation would be to separate families composed in part of American citizens or lawful permanent residents.

Even if there were some doubt as to the correct construction of the statute, the doubt should be resolved in favor of the alien. As this Court has held, even where a punitive section is being construed:

> "We resolve the doubts in favor of that construction because deportation is a drastic measure and at times the equivalet of banishment or exile, *Delgadillo v. Carmichael*, 332 U. S. 388. It is the forfeiture for misconduct of a residence in this country. Such a forfeiture is a penalty. To construe this statutory provision less generously to the alien might find support in logic. But since the stakes are considerable

> for the individual, we will not assume that Congress meant to trench on his freedom beyond that which is required by the narrowest of several possible meanings of the words used." *Fong Haw Tan v. Phelan*, 333 U. S. 6, 10.

See also *Barber v. Gonzales*, 347 U. S. 637, 642-643. The 1957 Act was not a punitive statute, and §7 of that Act, now codified as §241 (f), in particular was designed to accomplish a humanitarian result. We conclude that to give meaning to the statute in the light of its humanitarian purpose of preventing the breaking up of families composed in part at least of American citizens, the conflict between the circuits must be resolved in favor of the aliens, and that the *Errico* decision must be affirmed and the *Scott* decision reversed.

It is so ordered.

MR. JUSTICE STEWART, with whom MR. JUSTICE HARLAN and MR. JUSTICE WHITE join, dissenting.

The facts in one of these cases (No. 91) vividly illustrate the effect of the Court's interpretation of §241 (f) of the Immigration and Nationality Act. The petitioner, a resident of Jamaica, paid for a sham marriage with an American citizen. A ceremony was held, but the petitioner and her "husband" parted immediately and have not seen each other since. However, the pretended marriage served its purpose; the petitioner was admitted into this country as a nonquota immigrant upon her false representation that she was the wife of a United States citizen. After this fraudulent entry she managed to become the actual parent of a United States citizen by conceiving and bearing an illegitimate child here.

The Court holds that this unsavory series of events gives the petitioner an unqualified right under §241 (f) to remain in this country ahead of all the honest people waiting in Jamaica and elsewhere to gain lawful entry.[1] I can find no support in that statute for such an odd and inequitable result.

Section 241 (f) provides as follows:

> "The provisions of this section relating to the deportation of aliens within the United States on the ground that they were excludable at the time of entry as aliens who have sought to procure, or have procured visas or other documentation, or entry into the United States by fraud or misrepresentation shall not apply to an alien otherwise admissible at the time of entry who is the spouse, parent, or a child of a United States citizen or of an alien lawfully admitted for permanent residence."

It seems clear to me, for two separate and independently sufficient reasons, that this statute does not operate to bar the deportation of the aliens in the cases now before us. In the first place, §241 (f) has application only to the deportation provisions which are based upon fraudulent entry, and the aliens in these two cases were not ordered to be deported under those provisions. Secondly, even if it were generally applicable, §241 (f) does not cover the aliens involved in these two cases, because neither of them was "otherwise admissible" at the time of entry.

## I.

Section 241 (f) by its terms neutralizes only those "provisions...relating to the deportation of aliens within the United States on the ground that they... sought to procure...entry into the United States by fraud or misrepresentation...." Although the aliens in these two cases could have been deported under those "provisions," the deportation proceedings in both cases were in fact brought on grounds unrelated to their procurement of fraudulent visas. Both aliens were ordered to be deported, not because of their fraud, but because they were not properly within their countries' quotas.

The plain terms of §241 (f), therefore, do not even potentially apply to these aliens.[2] To hold that §241 (f) is relevant to these cases is tantamount to holding that it is applicable to bar deportation based on any ground at all so long as the alien lied about that ground at the time of his unlawful entry.[3] I think nothing could be further from the statutory language or the congressional purpose.

## II.

But even if §241 (f) were generally applicable, these aliens could not claim its benefits because they were not within their respective national immigration quotas and therefore were not "otherwise admissible" at the time they entered the United States. That is the clear import of the statutory qualification, if its words are to be taken at their face value. That, too, has been the uniform and consistent administrative construction of the statute. See *Matter of D'O—*, 8I. & N. Dec. 215 (1958); *Matter of Slade*,10 I. & N. Dec. 128 (1962).

To except quota requirements of admissibility from the statutory qualification of "otherwise admissible" would undercut the elaborate quota system which was for years at the heart of the immigration laws. Yet the legislative history of the predecessor of §241 (f), §7 of the 1957 Act, makes clear that the limited relief given by the statute was to have no effect at all on the quota system.[4]

Moreover, the consistent use of the same qualifying phrase, "otherwise admissible" in other sections of the Immigration and Nationality Act makes clear

that, as a term of art, it includes quota admissibility. The term typically follows a definition of grounds for admissibility or for exceptions to deportation, to insure that all the other relevant requirements of the Act are imposed upon the alien.

Thus the plain meaning of the "otherwise admissible" qualification, as well as legislative policy and legislative history, all indicate that the term serves the same basic function in §241 (f) as in other sections of the Act. Fraud is removed as a ground for deportation of those with the requisite family ties, and "otherwise admissible" insures the integrity of the remainder of the statutory scheme.

Court justifies its disregard of the plain meaning and consistent administrative construction of §241 (f) by resort to the spirit of humanitarianism which is said to have moved Congress to enact the statute. No doubt Congress in 1957 was concerned with giving relief to some aliens who had entered this country by illegal means and established families here. But the people who were to benefit from this genuine human concern were those from countries like Mexico, which had no quota restrictions, and those who had misrepresented their national origins in order to avoid repatriation to Iron Curtain countries. There is nothing to indicate that Congress enacted this legislation to allow wholesale evasion of the Immigration and Nationality Act or as a general reward for fraud.

I respectfully dissent.

## Act of Congress Concerning Aliens, June 25th, 1798

### ACT OF CONGRESS CONCERNING ALIENS, JUNE 25th, 1798

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the President of the United States at any time during the continuance of this act, to *order* all such *aliens* as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the territory of the United States, within such time as shall be expressed in such order, which order shall be served on such alien by delivering him a copy thereof, or leaving the same at his usual abode, and returned to the office of the Secretary of State, by the marshal or other person to whom the same shall be directed. And in case any alien, so ordered to depart, shall be found at large within the United States after the time limited in such order for his departure, and not having obtained a *license* from the President to reside therein, or having obtained such *license* shall not have conformed thereto, every such alien shall, on conviction thereof, be imprisoned for a term not exceeding three years, and shall never after be admitted to become a citizen of the United States. *Provided always, and be it further enacted,* that if any alien so ordered to depart shall prove to the satisfaction of the President, by evidence to be taken before such person or persons as the President shall direct, who are for that purpose hereby authorized to administer oaths, that no injury or danger to the United States will arise from suffering such alien to reside therein, the President may grant a *license* to such alien to remain within the United States for such time as he shall judge proper, and at such place as he may designate. And the President may also require of such alien to enter into a bond to the United States, in such penal sum as he may direct, with one or more sufficient sureties to the satisfaction of the person authorized by the President to take the same, conditioned for the good behavior of such alien during his residence in the United States, and not violating his license, which license the President may revoke, whenever he shall think proper.

Section 2. *And be it further enacted,* That it shall be lawful for the President of the United States, whenever he may deem it necessary for the public safety, to order to be removed out of the territory thereof, any alien who may or shall be in prison in pursuance of this act; and to cause to be arrested and sent out of the United States such of those aliens as shall have been ordered to depart therefrom and shall not have obtained a license as aforesaid, in all cases where, in the opinion of the President, the public safety requires a speedy removal. And if any alien so removed or sent out of the United States by the President shall voluntarily return thereto, unless by permission of the President of the United States, such alien on conviction thereof, shall be imprisoned so long as, in the opinion of the President, the public safety may require.

Section 3. *And be it further enacted,* That every master or commander of any ship or vessel which shall come into any port of the United States after

the first day of July next, shall immediately on his arrival make report in writing to the collector or other chief officer of the customs of such port, of all aliens, if any, on board his vessel, specifying their names, age, the place of nativity, the country from which they shall have come, the nation to which they belong and owe allegiance, their occupation and a description of their persons, as far as he shall be informed thereof, and on failure, every such master and commander shall forfeit and pay three hundred dollars, for the payment whereof on default of such master or commander, such vessel shall also be holden, and may by such collector or other officer of the customs be detained. And it shall be the duty of such collector or other officer of the customs, forthwith to transmit to the office of the department of state true copies of all such returns.

Section 4. *And be it further enacted*, That the circuit and district courts of the United States, shall respectively have cognizance of all crimes and offences against this act. And all marshals and other officers of the United States are required to execute all precepts and orders of the President of the United States issued in pursuance or by virtue of this act.

Section 5. *And be it further enacted*, That it shall be lawful for any alien who may be ordered to be removed from the United States, by virtue of this act, to take with him such part of his goods, chattels, or other property, as he may find convenient; and all property left in the United States by any alien, who may be removed, as aforesaid, shall be, and remain subject to his order and disposal, in the same manner as if this act had not been passed.

Section 6. *And be it further enacted*, That this act shall continue and be in force for and during the term of two years from the passing thereof.

APPROVED, June 25, 1798.

# CITIZENSHIP AND CONSTITUTIONALISM

**Charles E. Schutz**
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Citizenship is a function of constitutionalism, because the notion of citizenship is dependent on the basic institutions which define its qualifications; obligations, and rights. Though a constitution is brought into being by earlier generations, it becomes the instrumentality which molds the people into citizens. As citizens, they reflect the society's and constitution's conception of man's nature and society's purposes.

Citizenship is the national character created in a people through the laws and the social structure. With our written constitution the consent of the governed establishes the constitutional model of citizenship, and subsequent elections maintain and adapt the structure. In a general sense the people choose their constitutional character, and, in fulfilling their political obligations, they become the citizens that they would wish to be.

The first development of the notion of citizenship occured in Plato's *Crito*. Socrates was sentenced to death by an Athenian jury and was awaiting his execution. His wealthy friend Crito visited him and told him that his escape was arranged; he had been wrongly convicted, and his escape would be just. Socrates refused Crito's offer. He explained that though his fellow men wronged him, the laws did not. The laws and the state were his ultimate parentage. They were the sources of his cultural and physical education. They gave him the opportunity of persuading their change, and, if he failed, he could have left their province. But Socrates could not accept the benefits of the laws and reject their burdens. The laws created Socrates, and as their product he would have destroyed himself if he destroyed them. Aristotle stated that there are different forms of constitutional rule in the polis or state, but constitutionalism is required for its goodness. The people who participate in the holding of office and the administration of justice are defined to be citizens. For Aristotle, then, citizenship is not a matter of origins or social class, but of function. The citizen participates in the rule of the constitutional state. He may serve in the official rule, but in turn will be ruled. He must be civically able. Aristotle concluded that this is political rule—the rule of equals over each other.

Scholars conclude that the great significance of Cicero's political theory is its idealization of public service. His emphasis on its worth and dignity is grounded on the ancient thinker's appreciation of the blessings of an orderly political society. Cicero, in fact, finds divine sanction for such active citizenship. Through it, the citizen advances the justice of the state, and, he fulfills God's purposes in following the natural law of right reason.

In the Roman world of Cicero, the citizen remained essentially a cell in the organic state. Whereas, Christian teaching establishes man's absolute apartness from any worldly state. Christianity establishes man's personhood under God. The Judeo-Christian tenet declares, "Whoever sheds the blood of man, by man shall his blood be shed; for God made man in his own image" (Genesis 9:6). Only an acceptance of the inviolable individuality of man, resting on faith, can complete the modern notion of citizenship. Personhood grounds the civil liberties of the citizen, but the supernatural source of religious morality is equally vital to his constitution. From it stems the separation of church and state, the all-important division of private and public morality. "Render therefore to Caesar the things which are Caesar's, and to God the things that are God's" (Matthew 22:21) is the key tenet.

Free enterprise, and its economic rationality, are integral to our citizenship and constitutionalism. Peter Laslett in his Introduction to Locke's *Two Treatises of Government* states succinctly the practical and critical contribution of economics:

> It is through the theory of property that man can proceed from the abstract world of liberty and equality based on their relationship with God and natural law, to the concrete world of political liberty guaranteed by political arrangements.

This view maintains politics as a system of governing, and citizenship as "right"ful membership in that system have as their necessary conditions a free market and private property, including business property. Adam Smith in *The Cause and Effect of the Wealth of Nations* termed his concept of capitalism "a system of natural liberty." Montesquieu, a favorite theorist of our Founders, recommended a commercial republic for civic freedom. Pivotal to this association is private property and its sense of freedom. Private property materially fortifies the citizen's sense of self and political liberty. It impels the citizens as collective property owners to adapt government to the protection and progress of their properties.

The bourgeois belief that man's natural rights divorces him from natural law and gives a purposive end to man's nature. Man's rights are a matter of man's birth as man; they stem from the drive for self-preservation and culminate in a comprehensive right to property. Whereas, The doctrine of natural rights is radically egalitarian. Man's rights are antecedent to government and society, and government is but an instrumentality of both. Ergo, it has been argued that man's life is not fulfilled through political action, nor is society rationally organized and directed through it.

Man's life is essentially private and his activities, social. Politics is a protective necessity of the responsible and propertied men of the society to prevent the oppressions of government. The civic selfhood of man is individualistic by nature, economically driven, and politically utilitarian.

Ancient constitutionalism set limits on government and imposed order through the structure, customary practices, and citizens of a political system. Viewing a constitution as fundamental law comes to us from an evolving legalism in English history. According to the legitimizing myth of British constitutionalism, the principles and English rights originate in the people and their customs.

Americans go far beyond the British, legally and dogmatically in their constitutionalism. The latter, however, incorporates much of the former. Illustrative of this point, the origin of the due process clauses of the American Constitution is in Chapter thirty-nine of the English Magna Carta. In a like manner, representation for taxation in the Commons, and its underlying principle of "no supply before redress of grievances," the Habeas Corpus Act, a separation of powers between king and parliament, the British Bill of Rights, all found a place in the political consciousness of the English settlers of America. They creatively adapted those principles along with "the traditional rights of Englishmen," to a new land. Constitutional citizenship was in their heritage.

The key factors in the change from traditional British constitutionalism to American written constitutionalism were religion and business. Sometimes independently, sometimes together, they influenced the use of covenants, compacts and charters to direct the colonial settlements and establish the rights and duties of the colonists under a social contract. The covenanting of the religiously-minded colonists was a contracting among them on the word of God and their Christian faith. Henry Commager says of the Mayflower Compact, 1620, that it was not intended as a constitution but an extension of a customary church covenant to civil circumstances. Yet it briefly remained the constitution of the colony. The earlier First and Second Charters of Virginia, 1606 and 1609, were of the nature of business contracts. The Charters freely melded, however, the private enterprise of colonizing, its business management, governance, the settlers' civil rights, and religious matters. The remarkable thing about the charters and other colonial compacts was the frequent inclusion of statements of civil liberties. Yet, the colonists were of the middle class in their native British where civil liberties were barely existent and only grudgingly granted.

One could say that for the most part colonizing was a business enterprise (joint stock companies financed it) carried out by the settlers to acquire property and freedom. The contract form of all the colonial agreements is striking. One could say that the material cause is business, but the final end is free citizenship under contractual constitutions.

In his Second Treatise, John Locke propounds a doctrine of natural rights of equal men in a state of nature. Man's rights, however, in the state of nature are unprotected, and in a subsequent state of society, he compacts with his fellows to form a civil society to perfect the security of their rights. They surrender their natural rights for civil rights in trust to a government of designated powers. If political power is abused to deprive the citizens of their rights, the social contract empowering government is voided. The citizens revert to their natural rights and self-protection against the political oppressors. This is the right to revolution, more properly an annulling of the social contract for non-performance or violation of trust. At one point John Locke wrote, "Thus in the beginning all the World was America,. . . ." (V, 49.1) His sense of property, and understanding of his charters as kinds of social contracts prepared the citizen for the Declaration of Independence. His contracts had been violated by the British Crown; his rights were jeopardized; the right to revolution was justified. Thomas Jefferson validly incorporated John Locke's social contract into the Declaration of Independence as a legitimizing myth as being an existing part of the American experience. The Declaration of Independence previews the exercise of American citizenship. It states the founding principle of the consent of the governed and the popular chartering of government to serve the "Safety and Happiness" of the people.

The American Constitution was the culmination of the civic action of politically concerned Americans. They came to the Federal Convention as delegates from their respective states, but they acted as individuals in presenting their plans and ideas. The Constitutional Convention displays, in its delegates as proto-citizens of the future republic, the voluntary and associational nature of civic activity. The delegates'

political origins and allegiances reveal their dual citizenship (to nation and state). Their manifested ideal is liberty under the law but their politics practically demands the constitutional protection of property and advancement of commerce. They require safeguards against the property-less and democratic majorities, but accept constitutionally the social equality of their fellow free men.

The delegates founded the Constitution and its representative government on delegates, and even with their anti-constitutional opponents, accepted the rule of law and feared political power, "a necessary evil." Liberty was their shared value and constant concern. That liberty was conceived ultimately as being private: As liberty from political action, not for it. Within this common political culture, the delegates accepted political realities and politicked for the practical best. They willingly compromised on the major constitutional issues and even welcomed the prospect of plurality within national unity. A "Citizen" is more than a legal definition. Citizenship is finally shared values and civic conduct—a constitutional capability for membership in the body politic. First, the Constitution does not define citizenship. Indirectly, it specifies who may vote, and, directly, it sets qualifications for national elected office. It grants Congress the power to determine naturalization, but the states possess a concurrent power of naturalization. Certainly, the Constitution would have barred citizenship to a slave. Secondly, by constitutional law, citizens are synonymous with the words "people of the United States" in the Preamble to the Constitution. There are voting and non-voting citizens.

The term electors appears in the constitutional provision for voting for the House of Representatives. Though the states determine the qualifications, the right of the citizen to vote is constitutional. In sum, constitutional citizenship is both flexible and nebulous. This is consistent with the American fear of political power. A rigid legal definition both would have tended to fix an elite citizenry in power, and to have fixed a standard of citizenship open to political abuse. The Constitution has created an American citizenry, but its content is filled by the freedom within the social structure presided over by the Constitution. The politics of the Constitution is at once representative and republican, and democratic. Aside from a formal political equality, democratic equality is most evident in the business and work of society. Here, equality of opportunity and reward for merit should give substance to the American ideal of equality. A citizen demonstrates his constitutional character by his work ethic and economic pursuits. The economic and other social activities of the people within the constitutional framework may be the citizen's true role. The political apathy or alienation of citizens is a major concern of political scientists. Both common sense judgment and scholarly study confirm the conclusion that the structure and powers of the Constitution were not intended to encourage popular political participation.

The American citizen is a restrained republican in politics having very limited political activities, voting —if he or she wishes, military service (unless conscientiously rejected), toleration of others' opinions and beliefs, a basic loyalty to the Constitution, and an acceptance of the laws of the land. Some citizens, however, may choose an active political life, for the Constitution sets up political offices with pay. Such citizens become professional politicians, subject to popular accountability through periodic elections. The First Amendment grants the civil liberties necessary to political activity and stimulative of it. Thus, public speaking and publishing, assembling politically, petitioning (lobbying) the government are guaranteed. They are constitutionally recommended political activities for American citizens, if they choose to exercise them.

But the constitutional framers designed the Constitution for a commercial republic, dedicated to property rights and facilitating economic progress. The citizen was given liberty not for the exercise of political power, but as protection from it. The citizen's liberty is to be exercised primarily in private and social life. The protective politics of property will lead to political associations of citizens to influence government and other citizens, and to moderate economic excesses. Freedom of association is essentially the clash and competition of economic groups. That freedom does stimulate other groupings to promote themselves politically, e.g., religious, ethnic, idealistic. In turn, the citizen through these social associations, participates indirectly in politics and has his special interests represented and compromised in a more general interest. In conclusion, the social scope of American citizenship is constitutionally intended. That citizenship has supported the Constitutional purposes of liberty and the general welfare, and the constitutional premise of equality. The good citizen is not primarily a political man, but in the exercise of his rights, his privacy and social conduct, the citizen maintains a politics of freedom and equality.

## *READINGS*

**Week 1** *Citizenship is a Function of Constitutionalism*

### *Primary Readings*

Ernest Barker, *The Political Thoughts of Plato and Aristotle* (N.Y.: Russell and Russell, 1959), pp. 293-320, 321-356.

***Secondary Readings***

Hans Gerth and C. Wright Mills, *Character and Social Structure* (N.Y.: Harcourt, Brace, and World, 1953, 1964), pp. 192-212.

Bernard Crick, *In Defense of Politics* (Baltimore: Penguin Books, 1964), pp. 15-33, 140-161.

***Questions:***

1. If a citizen is a product of the Constitution, what produces the Constitution?
2. Do all societies have Constitutions, or what distinguishes political societies?

**Week 2** *The Ancient Discovery of Citizenship and Constitutionalism*

***Primary Readings***

Ernest Barker (Ed. & Trans.), *The Politics of Aristotle* (N.Y.: Oxford University Press, Galaxy Books, 1946, 1962), pp. xlvii-lix, pp. 92-153, 154-183.

Plato, *Crito* in Edith Hamilton and Huntington Cairns (Eds.), *Plato, Collected Dialogues* (Princeton: Princeton University Press, 1969), pp. 27-39.

***Secondary Readings***

George Sabine and Stanley Smith (Trans. & Intro.), *Cicero's On the Commonwealth* (Indianapolis, N.Y.: Bobbs-Merrill Co., Inc., 1929), Intro. pp. 47-55, pp. 105-53.

C.H. McIlwain, *Constitutionalism: Ancient and Modern* (Ithaca: Cornell University Press, Great Seal Books, 1961), pp. 23-41.

***Questions:***

1. Is Socrates, by submitting to Athenian law, elevating the Constitution over the citizen, and injustice over man's rights?
2. When Aristotle ties citizenship to the fulfillment of the functions of the Constitution, does he make citizenship elitist?
3. Does Cicero's elevation of political man and public office to a higher morality turn politics into a kind of religion, undermining both politics and religion?

**Week 3** *The Religious Roots of Citizenship and Constitutionalism*

***Primary Readings***

Genesis 9:6.

Matthew 22:21.

***Secondary Readings***

George Sabine, *A History of Political Theory* (N.Y.: Holt, Rinehart, Winston, 1962), pp. 174-193, 224-243.

***Questions:***

1. How does man's religious transcendence affect his civic obligations?
2. Relate the religious sense of inviolable personhood to the development of civil rights
3. In what manner does the separation of church and state become a division of private and public morality?

**Week 4** *The Bourgeois Citizen and the Constitutional Contract*

***Primary Readings***

Adam Smith, *The Wealth of Nations* (N.Y.: Random House, Inc., Modern Library, 1937), III, pp. 356-396, IV, pp. 440-465, 607-626.

Joseph Schumpeter, *Capitalism, Socialism and Democracy* (N.Y.: Harper & Bros., 1947), pp. 121-130, 250-283).

***Secondary Readings***

A symposium, "Capitalism, Socialism, and Democracy," *Commentary*, V. 65, No. 4, April, 1978, pp. 33-46.

C.B. Macpherson, *The Political Theory of Possessive Individualism* (N.Y.: Oxford University Press, 1962), pp. 194-278.

***Questions:***

1. How does the economic rationality of business enterprise lead to social contractualism and constitutionalism?
2. There are free market economies without constitutional governments, but there are no constitutional governments without free markets. Why, and what about civil rights?
3. What are the elements of a business contract in the "social contract" of a constitution?

**Week 5** *Civic Selfhood and Modern Natural Rights*

***Primary Readings***

Sabine, *op. cit.*, pp. 496-508, 523-537.

Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), pp. 202-251.

***Secondary Readings***

Ernest Barker, "Introduction," *The Social Contract* (N.Y.: Oxford University Press, Galaxy Books, 1962).

***Questions:***

1. How can self-preservation confer rights and require property?
2. What are the radical consequences of birth rights by nature on the estimation of government in the ordering of society

3. How does a politics based on property emphasize civil rights and individualism?

**Week 6** *Constitutional Rule of Law*

***Primary Readings***

Thorne, Dunham, Kurland, Jennings, *The Great Charter* (N.Y.: Random House, 1965), pp. 3-19, 48-75, 111-147.

Roscoe Pound, *The Spirit of the Common Law* (Boston: Beacon Press, 1963), pp. 1-111.

***Secondary Readings***

Arthur E. Sutherland, *Constitutionalism in America* (N.Y.: Blaisdell Publishing Co., 1965), pp. 11-109.

***Questions:***

1. What is the relationship of English common law to constitutional law?
2. Why can it be said that the constitutional due process of the citizen is the Magna Carta of civic freedom?
3. What conditions of colonial settlement spurred the adaptation of traditional rights into constitutionally vested rights?

**Week 7** *Colonial Constitutionalism*

***Primary Readings***

Henry Steele Commager, *Documents of American History* (N.Y.: Appleton—Century-Crofts, Inc., 1949), pp. 6-27, 29-31, 34-37, 40.

Alfred H. Kelly and Winifred A. Harbison, *The American Constitution* (N.Y.: W.W. Norton and Co., 1970), pp. 7-62.

***Secondary Readings***

Sutherland, *op. cit.*, pp. 110-131.

***Questions:***

1. Why does written constitutionalism recommend itself to religion and business in colonial settlements?
2. How is citizenship a result of the colonial concerns with business, religion and governance?
3. Explain the incipient citizenship in the contractual agreements of colonies

**Week 8** *The Social Contract and Right to Revolution*

***Primary Readings***

Carl Becker, *The Declaration of Independence* (N.Y.: Vintage Books, 1958), pp. 3-79, 185-192.

John Locke, *Two Treatises of Government* (N.Y.: The New American Library, Mentor Books, 1965), pp. 307-318, 327-344, 361-400, 454-477.

***Secondary Readings***

Becker, *op. cit.*, pp. 224-279.

Peter Laslett, "Introduction," in John Locke, *op. cit.*, pp. 106-135.

***Questions:***

1. How do natural rights change when they become civil rights?
2. Is the right to revolution a natural right when the social contract is substantially violated by government?
3. Why does a revolution require the legitimacy of the social contract myth?
4. What basic elements of American citizenship are found in the Declaration of Independence?

**Week 9** *Civic Action and Constitutional Formation*

***Primary Readings***

James Madison, *Notes of Debates on the Federal Convention of 1787* (Athens, Ohio: Ohio University Press, 1966).

***Secondary Readings***

John P. Roche, "The Founding Fathers: A Reform Caucus in Action," in Leonard Levy (Ed.), *American Constitutional Law Historical Essays* (N.Y.: Harper Torchbooks, 1966), pp. 12-46.

***Questions:***

1. How democratic was the civic action of the constitutional framers?
2. What were the motives of the citizens who promoted the constitutional movement? Do those motives subvert the constitutional ideals?
3. How did the common values of "the people" and the constitutional delegates influence the Constitution?
4. Is practicality or idealism dominant in the American Constitution?

**Week 10** *Constitutional Citizenship*

***Primary Readings***

Edward S. Corwin, *The Constitution and What It Means Today* (Princeton: Princeton University Press, 1973), pp.. 8, 64-69, 98, 208-210, 299, 386-387, 394.

C. Herman Pritchett, *The American Constitution* (N.Y.: McGraw-Hill Book Co.) pp. 98-100, 147-150, 400-401, 759-69.

***Secondary Readings***

H. Mark Roelofs, *The Tensions of Citizenship* (N.Y.: Rinehart & Co., 1957), pp. 1-30.

Sutherland, *op. cit.*, pp. 505-550.

***Questions:***

1. What is the civic conduct anticipated by the Constitution?
2. Why is there no legal definition of citizenship in the Constitution?
3. How is the understanding of "citizen" affected by its identification with "the People"?
4. Do the different classes of citizenship imply political inequality?

**Week 11** *The Citizen of Democratic Society*

***Primary Readings***

Alexis de Tocqueville, *Democracy in America* (N.Y.: Schocken Books, 1964), V.I pp. 48-51, 193-194, 227-237, 371-391; V.II, pp. 113-190.

Hamilton, Jay, Madison, *The Federalist* (N.Y.: Modern Library, n.d.), No. 10, No. 14, No. 39, No. 51.

***Secondary Readings***

Martin Diamond, "The Federalist" in Leo Strauss and Joseph Cropsey, *History of Political Philosophy* (Chicago: Rand McNally & Co., 1963), pp. 573-592.

Roelofs, *op. cit.*, pp. 194-201.

***Questions:***

1. How can republican politics and democratic society coexist?
2. Explain economic and social civility under the Constitution?
3. What would be the difference between republican politics and democratic politics under the Constitution?
4. How can America be described as a commercial republic by the Federalists, and what effect does it have on citizenship?
5. Can it be said that the freedom from politics for citizens allows them to practice equality and freedom in society?

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**Adam Smith, *Wealth of Nations*, (New York: Random House, Inc., Modern Library, 1937)**

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## BOOK III

*Of the different Progress of Opulence in different Nations*

### CHAPTER I

Of The Natural Progress of Opulence

The great commerce of every civilized society, is that carried on between the inhabitants of the town and those of the country. It consists in the exchange of rude for manufactured produce, either immediately, or by the intervention of money, or of some sort of paper which represents money. The country supplies the town with the means of subsistence, and the materials of manufacture. The town repays this supply by sending back a part of the manufactured produce to the inhabitants of the country. The town, in which there neither is nor can be any reproduction of substances,[1] may very properly be said to gain its whole wealth and subsistence from the country. We must not, however, upon this account, imagine that the gain of the town is the loss of the country. The gains of both are mutual and reciprocal, and the division of labour is in this, as in all other cases, advantageous to all the different persons employed in the various occupations into which it is subdivided. The inhabitants of the country purchase of the town a greater quantity of manufactured goods, with the produce of a much smaller quantity of their own labour, than they must have employed had they attempted to prepare them themselves. The town affords a market for the surplus produce of the country, or what is over and above the maintenance of the cultivators, and it is there that the inhabitants of the country exchange it for something else which is in demand among them. The greater the number and revenue of the inhabitants of the town, the more extensive is the market which it affords to those of the country; and the more extensive that market, it is always the more advantageous to a great number. The corn which grows within a mile of the town, sells there for the same price with that which comes from twenty miles distance. But the price of the latter must generally, not only pay the expence of raising and bringing it to market, but afford too the ordinary profits of agriculture to the farmer. The proprietors and cultivators of the country, therefore, which lies in the neighbourhood of the town, over and above the ordinary profits of agriculture, gain, in the price of what they sell, the whole value of the carriage of the like produce that is brought from more distant parts, and they save, besides, the whole value of this carriage in the price of what they buy. Compare the cultivation of lands in the neighbourhood of any considerable town, with that of those which lie at some distance from it, and

[1] The error that agriculture produces substances and manufacture only alters them is doubtless at the bottom of much of the support gained by the theory of productive and unproductive labour.

you will easily satisfy yourself how much the country is benefited by the commerce of the town. Among all the absurd speculations that have been propagated concerning the balance of trade, it has never been pretended that either the country loses by its commerce with the town, or the town by that with the country which maintains it.

As subsistence is, in the nature of things, prior to conveniency and luxury, so the industry which procures the former, must necessarily be prior to that which ministers to the latter. The cultivation and improvement of the country, therefore, which affords subsistence, must, necessarily, be prior to the increase of the town, which furnishes only the means of conveniency and luxury. It is the surplus produce of the country only, or what is over and above the maintenance of the cultivators, that constitutes the subsistence of the town, which can therefore increase only with the increase of this surplus produce. The town, indeed, may not always derive its whole subsistence from the country in its neighbourhood, or even from the territory to which it belongs, but from very distant countries; and this, though it forms no exception from the general rule, has occasioned considerable variations in the progress of opulence in different ages and nations.

That order of things which necessity imposes in general, though not in every particular country, promoted by the natural inclinations of man. If human institutions had never thwarted those natural inclinations, the towns could no-where have increased beyond what the improvement and cultivation of the territory in which they were situated could support; till such time, at least, as the whole of that territory was completely cultivated and improved. Upon equal, or nearly equal profits, most men will chuse to employ capitals rather in the improvement and cultivation of land, than either in manufactures or in foreign trade. The man who employs his capital in land, has it more under his view and command, and his fortune is much less liable to accidents, than that of the trader, who is obliged frequently to commit it, not only to the winds and the waves, but to the more uncertain elements of human folly and injustice, by giving great credits in distant countries to men, with whose character and situation he can seldom be thoroughly acquainted. The capital of the landlord, on the contrary, which is fixed in the improvement of his land, seems to be as well secured as the nature of human affairs can admit of. The beauty of the country besides, the pleasures of a country life, the tranquility of mind which it promises, and wherever the injustice of human laws does not disturb it, the independency which it really affords, have charms that more or less attract every body; and as to cultivate the ground was the original destination of man, so in every stage of his existence he seems to retain a predilection for this primitive employment.

Without the assistance of some artificers, indeed, the cultivation of land cannot be carried on, but with great inconveniency and continual interruption. Smiths, carpenters, wheel-wrights, and plough-wrights, masons, and bricklayers, tanners, shoemakers, and taylors, are people, whose service the farmer has frequent occasion for. Such artificers too stand, occasionally, in need of the assistance of one another; and as their residence is not, like that of the farmer, necessarily tied down to a precise spot, they naturally settle in the neighbourhood of one another, and thus form a small town or village. The butcher, the brewer, and the baker, soon join them, together with many other artificers and retailers, necessary or useful for supplying their occasional wants, and who contribute still further to country are mutually the servants of one another. The town is a continual fair or market, to which the inhabitants of the country resort, in order to exchange their rude for manufactured produce.[2] It is this commerce which supplies the inhabitants of the town both with the materials of their work, and the means of their subsistence. The quantity of the finished work which they sell to the inhabitants of the country, necessarily regulates the quantity of the materials and provisions which they buy. Neither their employment nor subsistence, therefore, can augment, but in proportion to the augmentation of the demand from the country for finished work; and this demand can augment only in proportion to the extension of improvement and cultivation. Had human institutions, therefore, never disturbed the natural course of things, the progressive wealth and increase of the towns would, in every political society, be consequential, and in proportion to the improvement and cultivation of the territory or country.

In our North American colonies, where uncultivated land is still to be had upon easy terms, no manufactures for distant sale have ever yet been established in any of their towns. When an artificer has acquired a little more stock than is necessary for carrying on his own business in supplying the neighbouring country, he does not, in North America, attempt to establish with it a manufacture for more distant sale, but employs it in the purchase and improvement of uncultivated land. From artificer he becomes planter, and neither the large wages nor the easy subsistence which that country affords to artificers, can bribe him rather to work for other people than for

[2] This passage, from the beginning of the paragraph, may well have been suggested by Cantillon, *Essai*, pp. 11-22.

himself. He feels that an artificer is the servant of his customers, from whom he derives his subsistence; but that a planter who cultivates his own land, and derives his necessary subsistence from the labour of his own family, is really a master, and independent of all the world.

In countries, on the contrary, where there is either no uncultivated land, or none that can be had upon easy terms, every artificer who has acquired more stock than he can employ in the occasional jobs of the neighbourhood, endeavours to prepare work for more distant sale. The smith erects some sort of iron, the weaver some sort of linen or woollen manufactory. Those different manufactures come, in process of time, to be gradually subdivided, and thereby improved and refined in a great variety of ways, which may easily be conceived, and which it is therefore unnecessary to explain any further.

In seeking for employment to a capital, manufactures are, upon equal or nearly equal profits, naturally preferred to foreign commerce, for the same reason that agriculture is naturally preferred to manufactures. As the capital of the landlord or farmer is more secure than that of the manufacturer, so the capital of the manufacturer, being at all times more within his view and command, is more secure than that of the foreign merchant. In every period, indeed, of every society, the surplus part both of the rude and manufactured produce, or that for which there is no demand at home, must be sent abroad in order to be exchanged for something for which there is some demand at home. But whether the capital, which carries this surplus produce abroad, be a foreign or a domestic one, is of very little importance. If the society has not acquired sufficient capital both to cultivate all its lands, and to manufacture in the completest manner the whole of its[3] rude produce, there is even a considerable advantage that that rude produce should[4] be exported by a foreign capital, in order that the whole stock of the society may be employed in more useful purposes. The wealth of ancient Egypt, that of China and Indostan, sufficiently demonstrate that a nation may attain a very high degree of opulence, though the greater part of its exportation trade be carried on by foreigners. The progress of our North American and West Indian colonies would have been much less rapid, had not capital but what belonged to themselves been employed in exporting their surplus produce.

According to the natural course of things, therefore, the greater part of the capital of every growing society is, first, directed to agriculture, afterwards to manufactures, and last of all to foreign commerce. This order of things is so very natural, that in every society that had any territory, it has always, I believe, been in some degree observed. Some of their lands must have been cultivated before any considerable towns could be established, and some sort of coarse industry of the manufacturing kind must have been carried on in those towns, before they could well think of employing themselves in foreign commerce.

But though this natural order of things must have taken place in some degree in every such society, it has, in all the modern states of Europe, been, in many respects, entirely inverted. The foreign commerce of some of their cities has introduced all their finer manufactures, or such as were fit for distant sale; and manufactures and foreign commerce together, have given birth to the principal improvements of agriculture. The manners and customs which the nature of their original government introduced, and which remained after that government was greatly altered, necessarily forced them into this unnatural and retrograde order.

## CHAPTER II

### Of The Discouragement of Agriculture in the Ancient State of Europe After The Fall of The Roman Empire

When the German and Scythian nations over-ran the western provinces of the Roman empire, the confusions which followed so great a revolution lasted for several centuries. The rapine and violence which the barbarians exercised against the ancient inhabitants, interrupted the commerce between the towns and the country. The towns were deserted, and the country was left uncultivated, and the western provinces of Europe, which had enjoyed a considerable degree of opulence under the Roman empire, sunk into the lowest state of poverty and barbarism. During the continuance of those confusions, the chiefs and principal leaders of those nations, acquired or usurped to themselves the greater part of the lands of those countries. A great part of them was uncultivated; but no part of them, whether cultivated or uncultivated, was left without a proprietor. All of them were engrossed, and the greater part by a few great proprietors.

This original engrossing of uncultivated lands, though a great, might have been but a transitory evil. They might soon have been divided again, and broke into small parcels either by succession or by alienation. The law of primogeniture hindered them from being divided by succession: the introduction of entails prevented their being broke into small parcels

[3] Ed. I reads "their."

[4] Ed. I reads "considerable advantage that it should."

by alienation.[1]

When land, like moveables, is considered as the means only of subsistence and enjoyment, the natural law of succession divides it, like them, among all the children of the family; of all of whom the subsistence and enjoyment may be supposed equally dear to the father. This natural law of succession accordingly took place among the Romans, who made no more distinction between elder and younger, between male and female, in the inheritance of lands, than we do in the distribution of moveables. But when land was considered as the means, not of subsistence merely, but of power and protection, it was thought better that it should descent undivided to one. In those disorderly times, every great landlord was a sort of petty prince. His tenants were his subjects. He was their judge, and in some respects their legislator in peace, and their leader in war. He made war according to his own discretion, frequently against his neighbours, and sometimes against his sovereign. The security of a landed estate, therefore, the protection which its owner could afford to those who dwelt on it, depended upon its greatness. To divide it was to ruin it, and to expose every part of it to be oppressed and swallowed up by the incursions of its neighbours. The law of primogeniture, therefore, came to take place, not immediately, indeed, but in process of time, in the succession of landed estates, for the same reason that it has generally taken place in that of monarchies, though not always at their first institution. That the power, and consequently the security of the monarchy, may not be weakened by division, it must descend entire to one of the children. To which of them so important a preference shall be given, must be determined by some general rule, founded not upon the doubtful distinctions of personal merit, but upon some plain and evident difference which can admit of no dispute. Among the children of the same family, there can be no indisputable difference but that of sex, and that of age. The male sex is universally preferred to the female; and when all other things are equal, the elder every-where takes place of the younger. Hence the origin of the right of primogeniture, and of what is called lineal succession.[2]

Laws frequently continue in force long after the circumstances, which first gave occasion to them, and which could alone render them reasonable, are no more. In the present state of Europe, the proprietor of a single acre of land is as perfectly secure of his possession as the proprietor of a hundred thousand. The right of primogeniture, however, still continues to be respected, and as of all institutions it is the fittest to support the pride of family distinctions, it is still likely to endure for many centuries. In every other respect, nothing can be more contrary to the real interest of a numerous family, than a right which in order to enrich one, beggars all the rest of the children.

Entails are the natural consequences of the law of primogeniture. They were introduced to preserve a certain lineal succession, of which the law of primogeniture first gave the idea, and to hinder any part of the original estate from being carried out of the proposed line either by gift, or devise, or alienation; either by the folly, or by the misfortune of any of its successive owners. They were altogether unknown to the Romans. Neither their substitutions nor fideicommisses bear any resemblance to entails, though some French lawyers have thought proper to dress the modern institution in the language and garb[3] of those ancient ones.[4]

When great landed estates were a sort of principalities, entails might not be unreasonable. Like what are called the fundamental laws of some monarchies, they might frequently hinder the security of thousands from being endangered by the caprice or extravagance of one man. But in the present state of Europe, when small as well as great estates derive their security from the laws of their country, nothing can be more completely absurd. They are founded upon the most absurd of all suppositions, the supposition that every successive generation of men have not an equal right to the earth, and to all that it possesses; but that the property of the present generation should be restrained and regulated according to the fancy of those who died perhaps five hundred years ago.[5] Entails, however, are still respected through the greater part of Europe, in those countries particularly in which noble birth is a necessary qualification for the enjoyment either of civil or military honours. Entails are thought necessary for maintaining this exclusive privilege of the nobility to the great offices and honours of their country; and that order having usurped one unjust advantage over the rest of their fellow-citizens, lest their poverty should render it ridiculous, it is thought reasonable that they should have another. The common law of England, indeed, is said to abhor perpetuities, and they are accordingly more restricted there than in any other European monarchy; though even England is not altogether without them. In Scotland more than one-fifth, perhaps more than one-

[1] Primogeniture and entails are censured as inimical to agriculture in *Lectures*, pp. 120, 124, 228.

[2] *Lectures* pp. 117-118.

[3] Ed. I reads "form."

[4] In *Lectures*, p. 123, the Roman origin of entails appears to be accepted.

[5] This passage follows *Lectures*, p. 124, rather closely, reproducing even the repetition of "absurd."

third part of the whole lands of the country, are at present supposed to be[6] under strict entail.

Great tracts of uncultivated land were, in this manner, not only engrossed by particular families, but the possibility of their being divided again was as much as possible precluded for ever. It seldom happens, however, that a great proprietor is a great improver. In the disorderly times which gave birth to those barbarous institutions, the great proprietor was sufficiently employed in defending his own territories, or in extending his jurisdiction and authority over those of his neighbours. He had no leisure to attend to the cultivation and improvement of land. When the establishment of law and order afforded him this leisure, he often wanted the inclination, and almost always the requisite abilities. If the expence of his house and person either equalled or exceeded his revenue, as it did very frequently, he had no stock to employ in this manner. If he was an economist, he generally found it more profitable to employ his annual savings in new purchases, than in the improvement of his old estate. To improve land with profit, like all other commercial projects, requires an exact attention to small savings and small gains, of which a man born to a great fortune, even though naturally frugal, is very seldom capable. The situation of such a person naturally disposes him to attend rather to ornament which pleases his fancy, than to profit for which he has so little occasion. The elegance of his dress, of his equipage, of his house, and household furniture, are objects which from his infancy he has been accustomed to have some anxiety about. The turn of mind which this habit naturally forms, follows him when he comes to think of the improvement of land. He embellishes perhaps four or five hundred acres in the neighbourhood of his house, at ten times the expence which the land is worth after all his improvements; and finds that if he was to improve his whole estate in the same manner, and he has little taste for any other, he would be a bankrupt before he had finished the tenth part of it. There still remain in both parts of the united kingdom some great estates which have continued without interruption in the hands of the same family since the times of feudal anarchy. Compare the present condition of those estates with the possessions of the small proprietors in their neighbourhood, and you will require no other argument to convince you how unfavourable such extensive property is to improvement.[7]

If little improvement was to be expected from such great proprietors, still less was to be hoped for from those who occupied the land under them. In the ancient state of Europe, the occupiers of land were all tenants at will. They were all or almost all slaves; but their slavery was of a milder kind than that known among the ancient Greeks and Romans, or even in our West Indian colonies. They were supposed to belong more directly to the land than to their masters. They could, therefore, be sold with it, but not separately. They could marry, provided it was with the consent of their master; and he could not afterwards dissolve the marriage by selling the man and wife to different persons. If he maimed or murdered any of them, he was liable to some penalty, though generally but to a small one. They were not, however, capable of acquiring property. Whatever they acquired was acquired to their master, and he could take it from them at pleasure. Whatever cultivation and improvement could be carried on by means of such slaves, was properly carried on by their master. It was at his expence. The seed, the cattle, and the instruments of husbandry were all his. It was for his benefit. Such slaves could acquire nothing but their daily maintenance. It was properly the proprietor himself, therefore, that, in this case, occupied his own lands, and cultivated them by his own bondmen. This species of slavery still subsists in Russia, Poland, Hungary, Bohemia, Moravia, and other parts of Germany. It is only in the western and south-western provinces of Europe, that it has gradually been abolished altogether.[8]

But if great improvements are seldom to be expected from great proprietors, they are least of all to be expected when they employ slaves for their workmen. The experience of all ages and nations, I believe, demonstrates that the work done by slaves, though it appears to cost only their maintenance, is in the end the dearest of any. A person who can acquire no property, can have no other interest but to eat as much, and to labour as little as possible. Whatever work he does beyond what is sufficient to purchase his own maintenance, can be squeezed out of him by violence only, and not by any interest of his own. In ancient Italy, how much the cultivation of corn degenerated, how unprofitable it became to the master when it fell under the management of slaves, is remarked by both Pliny and Columella.[9] In the time of Aristotle it had not been much better in ancient Greece. Speaking of the ideal republic described in the laws of Plato, to maintain five thousand idle men (the number of warriors supposed necessary for its defence)

[6] Ed. I does not contain "supposed to be."

[7] This remark follows *lectures*, p. 228. Cp. below, pp. 384, 385, 392.

[8] "A small part of the West of Europe is the only portion of the globe that is free from slavery," "and is nothing in comparison with vast continents where it still prevails."—*lectures*, p. 96.

[9] Pliny, H.N., lib. xviii., cap. iv.; Columella, *De re rustica*, lib. i., praefatio.

together with their women and servants, would require, he says, a territory of boundless extent and fertility, like the plains of Babylon.[10]

The pride of man makes him love to domineer, and nothing mortifies him so much as to be obliged to condescend to persuade his inferiors. Wherever the law allows it, and the nature of the work can afford it, therefore, he will generally prefer the service of slaves to that of freemen. The planting of sugar and tobacco can afford the expence of slave cultivation. The raising of corn, it seems, in the present times, cannot. In the English colonies, of which the principal produce is corn, the far greater part of the work is done by freemen. The late resolution of the Quakers in Pennsylvania to set at liberty all their negro slaves,[11] may satisfy us that their number cannot be very great. Had they made any considerable part of their property, such a resolution could never have been agreed to. In our sugar colonies, on the contrary, the whole work is done by slaves, and in our tobacco colonies a very great part of it. The profits of a sugar-plantation in any of our West Indian colonies are generally much greater than those of any other cultivation that is known either in Europe or America: And the profits of a tobacco plantation, though inferior to those of sugar, are superior to those of corn, as has already been observed.[12] Both can afford the expence of slave cultivation, but sugar can afford it still better than tobacco. The number of negroes accordingly is much greater, in proportion to that of whites, in our sugar than in our tobacco colonies.

To the slave cultivators of ancient times, gradually succeeded a species of farmers known at present in France by the name of metayers. They are called in Latin, Coloni Partiarii. They have been so long in disuse in England that at present I know no English name for them. The proprietor furnished them with the seed, cattle, and instruments of husbandry, the whole stock, in short, necessary for cultivating the farm. The produce was divided equally between the proprietor and the farmer, after setting aside what was judged necessary for keeping up the stock, which was restored to the proprietor when the farmer either quitted, or was turned out of the farm.[13]

Land occupied by such tenants is properly cultivated at the expence of the proprietor, as much as that occupied by slaves. There is, however, one very essential difference between them. Such tenants, being freemen, are capable of acquiring property, and having a certain proportion of the produce of the land, they have a plain interest that the whole produce should be as great as possible, in order that their own proportion may be so. A slave, on the contrary, who can acquire nothing but his maintenance, consults his own ease by making the land produce as little as possible over and above that maintenance. It is probable that it was partly upon account of this advantage, and partly upon account of the encroachments which the sovereign, always jealous of the great lords, gradually encouraged their villains to make upon their authority, and which seem at last to have been such as rendered this species of servitude altogether inconvenient, that tenure in villainage gradually wore out through the greater part of Europe. The time and manner, however, in which so important a revolution was brought about, is one of the most obscure points in modern history. The church of Rome claims great merit in it; and it is certain that so early as the twelfth century, Alexander III[14] published a bill for the general emancipation of slaves. It seems, however, to have been rather a pious exhortation, than a law to which exact obedience was required from the faithful. Slavery continued to take place almost universally for several centuries afterwards, till it was gradually abolished by the joint operation of the two interests above mentioned that of the proprietor on the one hand, and that of the sovereign on the other. A villain enfranchised, and at the same time allowed to continue in possession of the land, having no stock of his own, could cultivate it only by means of what the landlord advanced to him, and must, therefore, have been what the French call a metayer.

It could never, however, be the interest even of this last species of cultivators to lay out, in the further improvement of the land, any part of the little stock which they might save from their own share of the produce, because the lord, who laid out nothing, was to get one-half of whatever it produced. The tithe, which is but a tenth of the produce, is found to be a very great hindrance to improvement. A tax, therefore, which amounted to one-half, must have been an effectual bar to it. It might be the interest of a metayer to make the land produce as much as could be brought out of it by means of the stock furnished by the proprietor; but it could never be his interest to mix any part of his own with it. In France, where five parts out of six of the whole kingdom are said to be still occupied by this species of cultivators,[15] the proprietors complain that their metayers take every

[10] *Politics*, 1265a.

[11] Raynal, *Histoire philosophique* (Amsterdam ed.), tom. vi., pp. 368-388.

[12] Above, p. 158; *Lectures*, p. 225.

[13] *Ibid.*, pp. 100, 101.

[14] Raynal, *Histoire philosophique* (Amsterdam ed.), tom. i., p. 12. In *Lectures*, pp. 101, 102, Innocent III. appears in error for Alexander III.

[15] Probably Quesnay's estimate; cp. his article on "Fermiers" in the *Encyclopedie*, reprinted in his (*Euvres*, ed. Oncken, 1888, pp. 160, 171.

opportunity of employing the master's cattle rather in carriage than in cultivation; because in the one case they get the whole profits to themselves, in the other they share them with their landlord. This species of tenants still subsists in some parts of Scotland. They are called steel-bow[16] tenants. Those ancient English tenants, who are said by Chief Baron Gilbert and Doctor Blackstone to have been rather bailiffs of the landlord than farmers properly so called, were probably of the same kind.[17]

To this species of tenancy succeeded, though by very slow degrees, farmers properly so called, who cultivated the land with their own stock, paying a rent certain to the landlord. When such farmers have a lease for a term of years, they may sometimes find it for their interest to lay out part of their capital in the further improvement of the farm; because they may sometimes expect to recover it, with a large profit, before the expiration of the lease. The possession even of such farmers, however, was long extremely precarious, and still is so in many parts of Europe. They could before the expiration of their term be legally outed of their lease, by a new purchaser; in England, even by the fictitious action of a common recovery. If they were turned out illegally by the violence of their master, the action by which they obtained redress was extremely imperfect. It did not always reinstate them in the possession of the land, but gave them damages which never amounted to the real loss. Even in England, the country perhaps of Europe where the yeomanry has always been most respected, it was not till about the 14th of Henry the VIIth that the action of ejectment was invented,[18] by which the tenant recovers, not damages only but possession, and in which his claim is not necessarily concluded by the uncertain decision of a single assize. This action has been found so effectual a remedy that, in the modern practice, when the landlord has occasion to sue for the possession of the land, he seldom makes use of the actions which properly belong to him as landlord, the writ of right or the writ of entry,[19] but sues in the name of his tenant, by the writ of ejectment. In England, therefore, the security of the tenant is equal to that of the proprietor. In England besides a lease for life of forty shillings a year value is a freehold, and entitles the lessee to vote for a member of parliament; and as a great part of the yeomanry have freeholds of this kind, the whole order becomes respectable to their landlords on account of the political consideration which this gives them.[20] There is, I believe, no where in Europe, except in England, any instance of the tenant building upon the land of which he had no lease, and trusting that the honour of his landlord would take no advantage of so important an improvement. Those laws and customs so favourable to the yeomanry, have perhaps contributed more to the present grandeur of England, than all their boasted regulations of commerce taken together.

The law which secures the longest leases against successors of every kind is, so far as I know, peculiar to Great Britain. It was introduced into Scotland so early as 1449, by a law of James the IId.[21] Its beneficial influence, however, has been much obstructed by entails; the heirs of entail being generally restrained from letting leases for any long term of years, frequently for more than one year. A late act of parliament[22] has, in this respect, somewhat slackened their fetters, though they are still by much too strait. In Scotland, besides, as no leasehold gives a vote for a member of parliament, the yeomanry are upon this account less respectable to their landlords than in England.

In other parts of Europe, after it was found convenient to secure tenants both against heirs and purchasers, the term of their security was still limited to a very short period; in France, for example, to nine years from the commencement of the lease. It has in that country, indeed, been lately extended to twenty-seven,[23] a period still too short to encourage the tenant to make the most important improvements. The proprietors of land were anciently the legislators of every part of Europe. The laws relating to land, therefore, were all calculated for what they supposed the interest of the proprietor. It was for his interest, they had imagined, that no lease granted by any of his predecessors should hinder him from enjoying, during a long term of years, the full value of his land. Avarice and injustice are always shortsighted, and they did not foresee how much this regulation must obstruct improvement, and thereby hurt in the long-run the real interest of the landlord.[24]

The farmers too, besides paying the rent, were anciently, it was supposed, bound to perform a great

[16] Garnier is certainly wrong in suggesting in his note, "ce nom vient probablement de la maniere dont ils etaient autrefois armes en guerre."—*Recherches*, etc., tom. ii., p. 428. "Bow" is the farming stock; "steel" is said to indicate the nature of the contract, and eisern vieh and bestia ferri are quoted as parallels by Cosmo Innes, *lectures on Scotch Legal Antiquities*, 1872, pp. 245-266.

[17] Gilbert, *Treatise of Tenures*, 3rd ed., 1757, pp. 34 and 54; Blackstone, *Commentaries*, vol. ii., pp. 141, 142. The whole paragraph follows *Lectures*, p. 226, rather closely.

[18] M. Bacon, *New Abridgment of the Law*, 3rd ed., 1768, vol. ii., p. 160, s.v. Ejectment; cp. *Lectures*, p. 227.

[19] Blackstone, *Commentaries*, iii., 197

[20] *Lectures*, pp. 227-228.

[21] Acts of 1449, c. 6, "ordained for the safety and favour of the poor people that labours the ground."

[22] 10 Geo. III., C. 51.

[23] Below, p. 643.

[24] *Lectures*, pp. 226, 227.

number of services to the landlord, which were seldom either specified in the lease, or regulated by any precise rule, but by the use and wont of the manor or barony. These services, therefore, being almost entirely arbitrary, subjected the tenant to many vexations. In Scotland the abolition of all services, not precisely stipulated in the lease,[25] has in the course of a few years very much altered for the better the condition of the yeomanry of that country.

The public services to which the yeomanry were bound, were not less arbitrary than the private ones. To make and maintain the high roads, a servitude which still subsists, I believe, every-where, though with different degrees of oppression in different countries, was not the only one. When the king's troops, when his household or his officers of any kind passed through any part of the country, the yeomanry were bound to provide them with horses, carriages, and provisions, at a price regulated by the purveyor. Great Britain is, I believe, the only monarchy in Europe where the oppression of purveyance has been entirely abolished. It still subsists in France and Germany.

The public taxes to which they were subject were as irregular and oppressive as the services. The ancient lords, though extremely unwilling to grant themselves any pecuniary aid to their sovereign, easily allowed him to tallage, as they called it, their tenants,[26] and had not knowledge enough to foresee how much this must in the end affect their own revenue. The taille, as it still subsists in France, may serve as an example of those ancient tallages. It is a tax upon the supposed profits of the farmer, which they estimate by the stock that he has upon the farm. It is his interest, therefore, to appear to have as little as possible, and consequently to employ as little as possible in its cultivation, and none in its improvement. Should any stock happen to accumulate in the hands of a French farmer, the taille is almost equal to a prohibition of its ever being employed upon the land. This tax besides is supposed to dishonour whoever is subject to it, and to degrade him below, not only the rank of a gentleman, but that of a burgher, and whoever rents the lands of another becomes subject to it. No gentleman, nor even any burgher who[27] has stock, will submit to this degradation. This tax, therefore, not only hinders the stock which accumulates upon the land from being employed in its improvement, but drives away all other stock from it. The ancient tenths and fifteenths,[28] so usual in England in former times, seem, so far as they affected the land, to have been taxes of the same nature with the taille.

Under all these discouragements, little improvement could be expected from the occupiers of land. That order of people, with all the liberty and security which law can give, must always improve under great disadvantages. The farmer compared with the proprietor, is as a merchant who trades with borrowed money compared with one who trades with his own. The stock of both may improve, but that of the one, with only equal good conduct, must always improve more slowly than that of the other, on account of the large share of the profits which is consumed by the interest of the loan. The lands cultivated by the farmer must, in the same manner, with only equal good conduct, be improved more slowly than those cultivated by the proprietor; on account of the large share of the produce which is consumed in the rent, and which, had the farmer been proprietor, he might have employed in the further improvement of the land.[29] The station of a farmer besides is, from the nature of things, inferior to that of a proprietor. Through the greater part of Europe the yeomanry are regarded as an inferior rank of people, even to the better sort of tradesmen and mechanics, and in all parts of Europe to the great merchants and master manufacturers. It can seldom happen, therefore, that a man of any considerable stock should quit the superior, in order to place himself in an inferior station. Even in the present state of Europe, therefore, little stock is likely to go from any other profession to the improvement of land in the way of farming. More does perhaps in Great Britain than in any other country, though even there the great stocks which are, in some places, employed in farming, have generally been acquired by farming, the trade, perhaps, in which of all others stock is commonly acquired most slowly. After small proprietors, however, rich and great farmers are, in every country, the principal improvers. There are more such perhaps in England than in any other European monarchy. In the republican governments of Holland and of Berne in Switzerland, the farmers are said to be not inferior to those of England.[30]

The ancient policy of Europe was, over and above all this, unfavourable to the improvement and cultivation of land, whether carried on by the proprietor or by the farmer; first, by the general prohibition of the exportation of corn without a special licence, which seems to have been a very universal regulation; and secondly, by the restraints which were laid upon the inland commerce, not only of corn but of almost every other part of the produce of the farm, by the

[25] 20 Geo. II., C. 50, § 21.

[26] *Lectures*, p. 227.

[27] Ed. 1 reads "that."

[28] Originally tenths and fifteenths of movable goods; subsequently fixed sums levied from the parishes, and raised by them like other local rates; see Cannan, *History of Local Rates*, 1896, pp. 13-14, 18-20, 22 note, 23 note.

[29] *Lectures*, p. 226.

[30] *Essays on Husbandry* (by Walter Harte), 1764, pp. 69-80.

absurd laws against engrossers, regraters, and forestallers, and by the privileges of fairs and markets. It has already been observed in what manner the prohibition of the exportation of corn, together with some encouragement given to the importation of foreign corn, obstructed the cultivation of ancient Italy, naturally the most fertile country in Europe, and at that time the seat of the greatest empire in the world. To what degree such restraints upon the inland commerce of this commodity, joined to the general prohibition of exportation, must have discouraged the cultivation of countries less fertile, and less favourably circumstanced, it is not perhaps very easy to imagine.

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## DOCUMENTS OF AMERICAN HISTORY

*Edited by*
**Henry Steele Commager**

### Charter To Sir Walter Raleigh

March 25, 1584

(F.N. Thorpe, ed. *Federal and State Constitutions*, Vol. I, p. 53 ff.)

English colonization in America may be dated from the letters patent to Sir Humphrey Gilbert of 1578. Under this grant Gilbert made two efforts to establish a colony in America; both were unsuccessful, and the second ended in the tragic death of the gallant adventurer. Sir Walter Raleigh, Gilbert's half-brother, had participated in both of Gilbert's ventures, and planned to carry on the work of colonization. Six months after Gilbert's death Raleigh received a patent couched in almost identical language as the patent of 1578. Under his charter, Raleigh sent out five expeditions to the new world, and succeeded in planting a colony on Roanoke Island, Virginia. Altogether Raleigh spent a personal fortune of some forty thousand pounds in his efforts to plant a colony in the new world, but he ended his life in the Tower of London. Raleigh, writes Professor Andrews, "was the first Englishman to demonstrate the practicability of transporting English men and women overseas to find new homes on a new soil. His colony of husbands and wives, mothers and nursing children . . . represents a new departure in English history." See, C.M. Andrews, *Our Earliest Colonial Settlements*, ch. i; L.G. Tyler, *England in America*, ch. ii; M. Waldman, *Sir Walter Raleigh*; L. Creighton, *Sir Walter Raleigh*; I.N. Tarbox, *Sir Walter Raleigh*; W. Stebbing, *Sir Walter Raleigh*; E. Edwards, *Life of Ralegh*; E.J. Payne, ed. *Voyages of the Elizabethan Seamen to America*, 1880 ed.

ELIZABETH, by the Grace of God of England, Fraunce and Ireland Queene, defender of the faith, &c. To all people to whome these presents shall come, greeting.

Knowe yee that of our especial grace, certaine science, and meere motion, . . . we give and graunt to our trustie and wel-beloved servant *Walter Ralegh*, Esquire, and to his heires assignes for ever, free libertie and licence from time to time, and at all times for ever hereafter, to discover, search, finde out, and view such remote, heathen and barbarous lands, countries, and territories, not actually possessed of any Christian Prince, nor inhabited by Christian People, as to him, . . . shall seeme good, and the same to have, holde occupie and enjoy to him, . . . for ever, with all prerogatives, . . . thereto or thereabouts both by sea and land, whatsoever we by our letters patent may graunt, . . . and the said *Walter Ralegh*, his heires and assignes, . . . shall goe or travaile thither to inhabite or remaine, there to build and fortifie, at the discretion of the said *Walter Ralegh*, . . .

And we do likewise . . . give and graunt full authoritie, libertie and power to the said *Walter Ralegh*, . . . that he . . . shall . . . have, take, and leade in the saide voyage, and travaile thitherward, or to inhabit there with him, or them, and every or any of them, such and so many of our subjects as shall willingly accompanie him or them, . . .

And further that the said *Walter Ralegh*, . . . shall have . . . all the soile of all such lands, territories, and Countreis, so to bee discovered and possessed as aforesaide, and of all such Cities, castles, townes, villages, and places in the same, with the right, royalties, franchises, and jurisdictions, as well marine as other within the saide landes, or Countreis, or the seas

thereunto adjoining, to be had, or used, with full power to dispose thereof, and of every part in fee-simple or otherwise, according to the order of the lawes of England,...: reserving always to us our heires, and successors, for all services, duties, and demaundes, the fift part of all the oare of golde and silver, that from time to time, and at all times...shal be there gotten and obtained:...

And moreover, we doe...give and graunt licence to the said *Walter Ralegh*,...that he,...shall and may...for his and their defence, encounter and expulse, repell and resist...all...as without the especiall liking and licence of the said *Walter Ralegh*,...shall attempt to inhabite within the said Countreis,...or within the space of two hundreth leagues neere to the place or places within such Countreis,...where the said *Walter Ralegh*,...shall within sixe yeeres... make their dwellings.... And for uniting in more perfect league and amitie, of such Countreis, landes, and territories so to bee possessed and inhabited as aforesaide with our Realmes of Englande, and Ireland, and the better incouragement of men to these enterprises: we do...declare that all such Countreis, so hereafter to be possessed and inhabited as is aforesaide, from thencefoorth shall bee of the allegiance of us, our heires and successours. And wee doe graunt to the saide *Walter Ralegh*,...and to all and every of them,...that they...being either borne within our saide Realmes of Englande,...shall and may have all the priviledges of free Denizens, and persons native of England....

And...we...do give and graunt to the said *Walter Ralegh*,...that hee...shall, within the said mentioned remote landes...have full and meere power and authoritie to correct, punish, pardon, governe, and rule by their and every or any of their good discretions and pollicies, as well in causes capital, or criminall, as civil,...all such our subjects as shall from time to time adventure themselves in the said journies or voyages, or that shall at any time hereafter inhabite any such landes, countreis, or territories as aforesaide, ...according to such statutes, lawes and ordinances, as shall bee by him the saide *Walter Ralegh*...devised, or established, for the better government of the said people as aforesaid. So always as the said statutes, lawes, and ordinances may be as neere as conveniently may be, agreeable to the forme of the lawes, statutes, government, or pollicie of England,...

Provided alwayes, and our will and pleasure is, and wee do hereby declare to all Christian kings, princes and states, that if the saide *Walter Ralegh*, his heires or assignes, or any of them, or any other by their licence or appointment, shall at any time or times hereafter, robbe or spoile by sea or by lande, or do any acte of unjust or unlawful hostilitie, to any of the subjects of us, our heires or successors, or to any of the subjects of any the kings, princes, rulers, governors, or estates, being then in perfect league and amitie with us, our heires and successors, and that upon such injury, or upon just complaint of any such prince, ruler, governoir, or estate, or their subjects, wee, our heires and successours, shall make open proclamation within any the portes of our Realme of England, that the saide *Walter Ralegh*, his heires and assignes, and adherents, or any to whome these our letters patents may extende, shall within the termes to be limitted, by such proclamation, make full restitution, and satisfaction of all such injuries done, so as both we and the said princes, or other so complayning, may holde us and themselves full contented. And that if the saide *Walter Ralegh*, his heires and assignes, shall not make or cause to be made satisfaction accordingly, within such time so to be limitted, that when it shall be lawfull to us our heires and succssors, to put the saide *Walter Ralegh*, his heires and assignes and adherents, and all the inhabitants of the said places to be discovered (as if aforesaide) or any of them out of our allegiance and protection, and that from and after such time of putting out of protection the said *Walter Ralegh*, his heires, assignes and adherents, and others so to be put out, and the said places within their habitation, possession and rule, shal be out of our allegeance and protection, and free for all princes and others, to pursue with hostilitie, as being not our subjects, nor by us any way to be avouched, maintained or defended, nor to be holden as any of ours, nor to our protection or dominion, or allegiance any way belonging, for that expresse mention of the cleer yeerely value of the certaintie of the premisses, or any part thereof, or of any other gift, or grant by us, or any our progenitors, or predecessors to the said *Walter Ralegh*, before this time made in these presents be not expressed, or any other grant, ordinance, provision, proclamation, or restraint to the contrarye thereof, before this time given, ordained, or provided, or any other thing, cause, or matter whatsoever, in any wise notwithstanding. In witness whereof, we have caused these our letters to be made patents. Witnesse our selves, at *Westminster*, the 25. day of March, in the sixe and twentieth yeere of our Raigne.

### First Charter of Virginia

April 10, 1606

(Poore, ed. *The Federal and State Constitutions*, Part II, p. 1889 ff.)

The charter to the Virginia Company granted by King James provided for the incorporation of two

companies: the London Company and the Plymouth Company. It was the London Company that established the first permanent English colony in America; the expedition of one hundred and twenty settlers who left England in December, 1606, made their first landfall at Cape Henry, April 29, 1607, and planted a colony at Jamestown May 14. On the three charters of Virginia and the early history of the Colony see, W. Stith, *History of Virginia*, with numerous documents; A. Brown, *Genesis of the United States*, 2 Vols; A. Brown, *First Republic in America*; J. Fiske, *Old Virginia and her Neighbours*, Vol. I; C.M. Andrews, *The colonial Period of American History*, Vol. I, ch. v.; L.G. Tyler, *England in America*, chs. ii-v. The records of the Virginia Company are being published by S.M. Kingsbury, ed. *Records of the Virginia Company*. On the Company see also A. Brown, *English Politics in Early Virginia History*; E.D. Neill, *History of the Virginia Company of London*; and W.F. Craven, *The Dissolution of the Virginia Company*.

I. *JAMES*, by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith &c. WHEREAS our loving and well-disposed Subjects, Sir *Thomas Gates*, and Sir *George Somers*, Knights, *Richard Hackluit*, Clerk, Prebendary of *Westminster*, and *Edward-Maria Wingfield*, *Thomas Hanham*, and *Ralegh Gilbert*, Esqrs. *William Parker*, and *George Popham*, Gentlemen, and divers others of our loving Subjects, have been humble Suitors unto us, that We would vouchsafe unto them our Licence, to make Habitation, Plantation, and to deduce a Colony of sundry of our People into that Part of *America*, commonly called VIRGINIA, and other Parts and Territories in *America*, either appertaining unto us, or which are not now actually possessed by any *Christian* Prince or People, situate, lying, and being all along the Sea Coasts, between four and thirty Degrees of *Northerly* Latitude from the Equinoctial Line, and five and forty Degrees of the same Latitude, and in the main Land between the same four and thirty and five and forty Degrees, and the Islands thereunto adjacent, or within one hundred Miles of the Coast thereof;

And to that End, and for the more speedy Accomplishment of their said intended Plantation and Habitation there, are desirous to divide themselves into two several Colonies and Companies; The one consisting of certain Knights, Gentlemen, Merchants, and other Adventurers, of our City of *London* and elsewhere, which are, and from time to time shall be, joined unto them, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between four and thirty and one and forty Degrees of the said Latitude, alongst the Coasts of *Virginia* and Coasts of *America* aforesaid; And the other consisting of sundry Knights, Gentlemen, Merchants, and other Adventurers, of our Cities of *Bristol* and *Exeter*, and of our Town of *Plimouth*, and of other Places, which do join themselves unto that Colony, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between eight and thirty Degrees and five and forty Degrees of the said Latitude, all alongst the said Coast of *Virginia* and *America*, as that Coast lyeth:

We, greatly commending, and graciously accepting of, their Desires for the Furtherance of so noble a Work, which may, by the Providence of Almighty God, hereafter tend to the Glory of his Divine Majesty, in propagating of *Christian* Religion to such People, as yet live in Darkness and miserable Ignorance of the true Knowledge and Worship of God, and may in time bring the Infidels and Savages, living in those Parts, to human Civility, and to a settled and quiet Government; Do, by these our Letters Patents, graciously accept of, and agree to, their humble and well-intended Desires;

AND do therefore, for Us, our Heirs, and Successors, GRANT and agree, that the said Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, and *Edward-Maria Wingfield*, Adventurers of and for our City of *London*, and all such others, as are, or shall be, joined unto them of that Colony, shall be called the *first Colony*; And they shall and may begin their said first Plantation and Habitation, at any Place upon the said Coast of *Virginia* or *America*, where they shall think fit and convenient, between the said four and thirty and one and forty Degrees of the said Latitude; And that they shall have all the Lands,...from the said first Seat of their Plantation and Habitation by the Space of fifty Miles of *English* Statute Measure, all along the said Coast of *Virginia* and *America*, towards the *West* and *Southwest*, as the Coast lyeth,... And also all the Lands...from the said Place of their first Plantation and Habitation for the space of fifty like *English* Miles, all alongst the said Coast of *Virginia* and *America*, towards the *East* and *Northeast*, or towards the *North*, as the Coast lyeth,...And also all the Lands...from the same fifty Miles every way on the Sea Coast, directly into the main Land by the Space of one hundred like *English* Miles;...

AND we do likewise...GRANT and agree, that the said *Thomas Hanham*, and *Ralegh Gilbert*, *William Parker*, and *George Popham*, and all others of the Town of *Plimouth* in the County of *Devon*, or elsewhere, which are, or shall be, joined unto them of that Colony, shall be called the *second Colony*; And that they shall and may begin their said Plantation and Seat of their first Abode and Habitation at any Place upon the said Coast of *Virginia* and *America*,

where they shall think fit and convenient, between eight and thirty Degrees of the said Latitude, and five and forty Degrees of the same Latitude; And that they shall have all the Lands . . . from the first Seat of their Plantation and Habitation by the Space of fifty like *English* Miles, as is aforesaid, all alongst the said Coast of *Virginia* and *America*, towards the *West* and *Southwest*, or towards the *South*, . . . And also all the Lands . . . from the same fifty Miles every way on the Sea Coast, directly into the main Land, by the Space of one hundred like *English* Miles. . . .

Provided always, and our Will and Pleasure herein is, that the Plantation and Habitation of such of the said Colonies, as shall last plant themselves, as aforesaid, shall not be made within one hundred like *English* Miles of the other of them, that first began to make their Plantation, as aforesaid.

AND we do also ordain . . . that each of the said Colonies shall have a Council, which shall govern and order all Matters and Causes, which shall arise, grow, or happen, to or within the same several Colonies, according to such Laws, Ordinances, and Instructions, as shall be, in that behalf, given the signed with Our Hand or Sign Manual, and pass under the Privy Seal of our Realm of *England*; Each of which Councils shall consist of thirteen Persons, to be ordained, made, and removed, from time to time, according as shall be directed and comprised in the same instructions. . . .

AND that also there shall be a Council established here in *England*, which shall, in like Manner, consist of thirteen Persons, to be, for that Purpose, appointed by Us, . . . which shall be called our *Council of Virginia*; And shall, from time to time, have the superior Managing and Direction, only of and for all Matters, that shall or may concern the Government, as well of the said several Colonies, as of and for any other Part or Place, within the aforesaid Precincts of four and thirty and five and forty Degrees, above mentioned. . . .

And moreover, we do GRANT . . . that the said several Councils, of and for the said several Colonies, shall and lawfully may, by Virtue hereof, from time to time, without any Interruption of Us . . . , give and take Order, to dig, mine, and search for all Manner of Mines of Gold, Silver and Copper, as well within any part of their said several Colonies, as for the said main Lands on the Backside of the same Colonies. . . . YIELDING therefore, to Us . . . the fifth Part only of all the same gold and Silver, and the fifteenth Part of all the same Copper, so to be gotten or had. . . .

Giving and granting, by these Presents, unto the said Sir *Thomas Gates* . . . and their Associates of the said first Colony, and unto the said *Thomas Hanham* . . . and their Associates of the said second Colony . . . Power and Authority to take and surprise, by all Ways and Means whatsoever, all and every Person and Persons, with their Ships, Vessels, Goods and other Furniture, which shall be found trafficking, into any Harbour or Harbours, Creek or Creeks, or Place, within the Limits of Precincts of the said several Colonies and Plantations, not being of the same Colony, until such time, as they, being of any Realms or Dominions under our Obedience, shall pay, or agree to pay, to the Hands of the Treasurer of that Colony, within whose Limits and Precincts they shall so traffick, two and a half upon every Hundred, of any thing, so by them trafficked, bought, or sold; And being Strangers, and not Subjects under our Obeysance, until they shall pay five upon every Hundred, of such Wares and Merchandises, as they shall traffick, buy, or sell, within the Precincts of the said several Colonies, wherein they shall so traffick, buy, or sell, as aforesaid; WHICH Sums of Money, or Benefit, as aforesaid, for the during the Space of one and twenty Years, next ensuing the Date hereof, shall be wholly emploied to the Use, Benefit, and Behoof of the said several Plantations, where such Traffick shall be made; And after the said one and twenty Years ended, the same shall be taken to the Use of Us. . .

Also we do . . . DECLARE . . . that all and every the Persons, being our Subjects, which shall dwell and inhabit within every or any of the said several Colonies and Plantations, and every of their children, which shall happen to be born within any of the Limits and Precincts of the said several Colonies and Plantations, shall HAVE and enjoy all Liberties, Franchises, and Immunities, within any of our other Dominions, to all Intents and Purposes, as if they had been abiding and born, within this our Realm of *England*, or any other of our said Dominions. . . .

And finally, we do . . . GRAND and agree, to and with the said Sir *Thomas Gates* . . . and all others of the said first Colony, that We . . . , upon Petition in that Behalf to be made, shall, . . . GIVE and GRANT unto such Persons, their Heirs, and Assigns, as the Council of that Colony, or the most Part of them, shall, for that Purpose nominate and assign, all the Lands, Tenements, and Hereditaments, which shall be within the Precincts limited for that Colony, as is aforesaid, TO BE HOLDEN of Us, our Heirs, and Successors, as of our Manor at *East-Greenwich* in the County of *Kent*, in free and common Soccage only, and not in Capite: . . .

### Second Charter of Virginia

May 23, 1609

(Poore, ed. *The Federal and State Constitutions*, Part II, p. 1893 ff.)

During the first three years of its history the affairs

of the Virginia Company, both the Virginia and the Maine plantations, were badly mismanaged. The second charter made some essential changes in the first: the London and the Plymouth companies were separated; the royal council was replaced by a company council; and control of the colony was vested in the treasurer and his council. For references, see Doc. No. 6.

[After reciting the grant of 1606, the charter continues].

Now, forasmuch as divers and sundry of our loving Subjects, as well Adventurers, as Planters, of the said first Colony. . . have of late been humble Suitors unto Us, that. . .We would be pleased to grant them a further Enlargement and Explanation of the said Grant, Privileges, and Liberties, and that such Counsellors, and other Officers, may be appointed amongst them, to manage and direct their affairs, as are willing and ready to adventure with them, as also whose Dwellings are not so far remote from the City of *London*, but that they may, at convenient Times, be ready at Hand, to give their Advice and Assistance, upon all occasions requisite.

WE. . .do. . .GIVE, GRANT, and Confirm, to our trusty and well-beloved Subjects, [enumerates grantees]. . ., and to such, and so many, as they do, or shall hereafter, admit to be joined with them, in form hereafter in these presents expressed, whether they go in their Persons, to be Planters there in the said Plantation, or whether they go not, but adventure their monies, goods, or Chattels, that they shall be one Body or Commonalty perpetual, and shall have perpetual Succession, and one common Seal, to serve for the said Body or Commanalty, and that they, and their Successors, shall be known, called, and incorporated by the Name of, *The Treasurer and Company of Adventurers and Planters of the City of London for the first Colony in Virginia*. . . .

And we do also. . .give, grant and confirm, unto the said Treasurer and Company, and their Successors, under the Reservations, Limitations, and Declarations, hereafter expressed, all those Lands, Countries, and Territories, situate, lying, and being, in that Part of *America* called *Virginia*, from the Point of Land, called Cape or *Point Comfort*, all along the Sea Coast, to the Northward two hundred Miles, and from the said Point of *Cape Comfort*, all along the Sea Coast, to the Southward two hundred Miles, and all that Space and Circuit of Land, lying from the Sea Coast of the Precinct aforesaid, up into the Land, throughout from Sea to Sea, West, and Northwest;. . .

AND forasmuch, as the good and prosperous Success of the said Plantation cannot but chiefly depend, next under the Blessing of God, and the Support of our Royal Authority, upon the provident and good Direction of the whole Enterprize, by a careful and understanding Council, and that it is not convenient, that all the Adventurers shall be so often drawn to meet and assemble, as shall be requisite for them to have Meetings and Conference about the Affairs thereof; Therefore we DO ORDAIN, establish, and confirm, that there shall be perpetually one COUNCIL here resident, according to the Tenour of our former Letters-patents. . . .

AND further. . .we do. . .GIVE and GRANT full Power and Authority to our said Council, here resident,. . .to nominate, make, constitute, ordain, and confirm, by such Name or Names, Stile or Stiles, as to them shall seem good, And likewise to revoke, discharge, change, and alter, as well all and singular Governors, Officers, and Ministers, which already have been made, as also which hereafter shall be by them thought fit and needful to be made or used, for the Government of the said Colony and Plantation: AND also to make, ordain, and establish all Manner of Orders, Laws, Direction, Instructions, Forms, and Ceremonies of Government and Magistracy, fit and necessary, for and concerning the Government of the said Colony and Plantation; And the same, at all times hereafter, to abrogate, revoke, or change,. . .as they, in their good Discretion, shall think to be fittest for the Good of the Adventurers and inhabitants there. . . .

AND we do further. . .ORDAIN and establish, that the said Treasurer and Council here resident, and their Successors, or any four of them, being assembled (the Treasurer being one) shall, from time to time, have full Power and Authority, to admit and receive any other Person into their Company, Corporation, and Freedom; And further, in a General Assembly of the Adventurers, with the Consent of the greater Part, upon good Cause, to disfranchise and put out any Person or Persons, out of the said Freedom or Company. . . .

ALSO we do. . .DECLARE. . .that all and every the Persons being our Subjects, which shall go and inhabit within the said Colony and Plantation, and every their Children and Posterity; which shall happen to be born within any of the Limits thereof, shall HAVE and ENJOY all Liberties, Franchizes, and Immunities of Free Denizens and natural Subjects within any of our other Dominions to all Interests and Purposes, as if they had been abiding and born within this our realm of *England*. . . .

AND forasmuch, as it shall be necessary for all such our loving Subjects, as shall inhabit within the said Precincts of *Virginia*, aforesaid, to determine to live together, in the Fear and true Worship of Almighty God, Christian Peace, and civil Quietness, each with

other, whereby every one may, with more Safety, Pleasure, and Profit, enjoy that, whereunto they shall attain with great Pain and Peril; We...do GIVE and GRANT unto the said Treasurer and Company,... and to such Governors, Officers, and Ministers, as shall be, by our said Council, constituted and appointed,...that they shall and may, from time to time for ever hereafter, within the said Precincts of *Virginia*, ...have full and absolute Power and Authority, to correct, punish, pardon, govern, and rule, all such the Subjects of Us...as shall, from time to time, adventure themselves in any Voyage thither, or that shall, at any time hereafter, inhabit in the Precincts and Territories of the said Colony,...

AND further...in all Questions and Doubts that shall arise upon any Difficulty of Construction or Interpretation of Any thing contained either in this, or in our former Letters-patents, the same shall be... interpreted in most ample and beneficial manner for the said Treasurer and Company...

AND lastly, because the principal Effect, which we can desire or expect of this Action, is the Conversion and Reduction of the People in those Parts unto the true Worship of God and Christian Religion, in which Respect we should be loath, that any Person should be permitted to pass, that we suspected to affect the Superstitions of the Church of *Rome*, we do hereby DECLARE, that it is our Will and Pleasure, that none be permitted to pass in any Voyage, from time to time to be made into the said Country, but such, as first shall have taken the Oath of Supremacy;...

## The Third Charter of Virginia

March 12, 1612

(F.N. Thorpe, ed. *Federal and State Constitutions*, Vol. VII, p. 3803 ff.)

The third charter of Virginia added the island of Bermuda, which had been discovered by the English in 1609, to the jurisdictions of the Company, provided for more democratic government and a greater degree of independence for the Company, enlarged the powers of the Company, and instituted a lottery. The Company subsequently sold Bermuda. This charter of 1612 was annulled in 1624, when Virginia became a royal colony. See, references under Doc. 6 and W.F. Craven, *The Dissolution of the Virginia Company.*

...Now forasmuch as we are given to understand, that in those Seas adjoining to the said Coasts of *Virginia*, and without the Compass of those two hundred Miles by Us so granted unto the said Treasurer and Company as aforesaid, and yet not far distant from the said Colony in *Virginia*, there are or may be divers Islands lying desolate and uninhabited, some of which are already made known and discovered by the Industry, Travel, and Expences of the said Company, and others also are supposed to be and remain as yet unknown and undiscovered, all and every of which it may import the said Colony both in Safety and Policy of Trade to populate and plant; in Regard whereof, as well for the preventing of Peril, as for the better Commodity of the said Colony, they have been humble suitors unto Us, that We would be pleased to grant unto them an Enlargement of our said former Letters-patents, as well for a more ample Extent of their Limits and Territories into the Seas adjoining to and upon the Coast of *Virginia*, as also for some other Matters and Articles concerning the better government of the said Company and Colony,...

We therefore...do by these Presents give, grant, and confirm to the said Treasurer and Company of Adventurers and Planters of the city of *London* for the first Colony in *Virginia* and to their Heirs and Successors for ever, all and singular those Islands whatsoever situate and being in any Part of the Ocean Seas bordering upon the Coast of our said first Colony in *Virginia*, and being within three Hundred Leagues of any of the Parts heretofore granted to the said Treasurer and Company in our said former Letters-patents as aforesaid, and being within or between the one-and-fortieth and thirtieth Degrees of Northerly Latitude...Provided always, that the said Islands or any Premises herein mentioned, or by these Presents intended or meant to be granted, be not actually possessed or inhabited by any other Christian Prince or Estate, nor be within the Bounds, Limits, or Territories of the Northern Colony heretofore by Us granted to be planted by divers of our loving Subjects in the North Parts of *Virginia*....

And we do hereby ordain and grant by these Presents, that the said Treasurer and Company of Adventurers and Planters aforesaid, shall and may, once every week, or oftener, at their Pleasure, hold, and keep a Court and Assembly for the better Order and Government of the said Plantation, and such Things as shall concern the same: And that any five Persons of our Council for the said first Colony in *Virginia*, for the Time being, of which Company the Treasurer, or his Deputy, to be always one, and the Number of fifteen others, at the least, of the Generality of the said Company, assembled together in such Manner, as is and hath been heretofore used and accustomed, shall be said, taken, held, and reputed to be, and shall be a *sufficient Court* of the said Company, for the handling and ordering, and dispatching of all such casual and particular Occurrences, and accidental

Matters, of less Consequence and Weight, as shall from Time to Time happen, touching and concerning the said Plantation....

## Ordinance For Virginia

July 24, 1621

(F.N. Thorpe, ed. *Federal and State Constitutions*, Vol. VII, p. 3810 ff.)

The first Assembly of Virginia was convened July 30, 1619 by Governor Yeardley, under the authority of the Virginia Company, and marks the beginning of representative government in America. The document authorizing the convening of this first assembly has been lost; the Ordinance of 1621 is believed to be an almost exact reproduction of the earlier one. See references to Doc. No. 6.

An ordinance and Constitution of the Treasurer, Council, and Company in England, for a Council of State and General Assembly. Dated July 24, 1621.

To all People, to whom these Presents shall come, be seen, or heard The Treasurer, Council, and Company of Adventurers and Planters for the City of *London* for the first colony of *Virginia*, send Greeting. Know ye that we, the said Treasurer, Council, and Company, taking into our careful Consideration the present State, of the said Colony of *Virginia*, and intending, by the Divine Assistance, to settle such a Form of Government there as may be to the greatest Benefit and Comfort of the People, and whereby all Injustice, Grievances, and Oppression may be prevented and kept off as much as possible from the said Colony, have thought fit to make our Entrance, by ordering and establishing such Supreme Councils, as may not only be assisting to the Governor for the time being, in the Administration of Justice, and the executing of other Duties for this office belonging, but also, by their vigilant care and Prudence, may provide, as well for a Remedy of all Inconveniences, growing from time to time, as also for advancing of Increase, Strength, Stability, and Prosperity of the said Colony:

II. We therefore, the said Treasurer, Council, and Company, by Authority directed to us from his Majesty under the Great Seal, upon mature Deliberation, do hereby order and declare, that, from hence forward, there shall be TWO SUPREME COUNCILS in *Virginia*, for the better Government of the said Colony aforesaid.

III. The one of which Councils, to be called THE COUNCIL OF STATE (and whose Office shall chiefly be assisting, with their Care, Advise, and Circumspection, to the said Governor) shall be chosen, nominated, placed and displaced, from time to time, by Us, the said Treasurer, Council, and Company, and our Successors: Which Council of State shall consist, for the present, only of these Persons, as are here inserted, *viz.* Sir *Francis Wyat*, Governor of *Virginia*, Captain *Francis West*, Sir *George Yeardley*, Knight, Sir *William Neuce*, Knight Marshal of *Virginia*, Mr. *George Sandys*, Treasurer, Mr. *George Thorpe*, Deputy of the College, Captain *Thomas Neuce*, Deputy for the Company, Mr. *Pawlet*, Mr. *Leech*, Captain *Nathaniel Powel*, Mr. Harwood, Mr. *Samuel Macock*, Mr. *Christopher Davison*, Secretary, *Doctor Pots* Physician to the Company, Mr. *Roger Smith*, Mr. *John Berkley*, Mr. *John Rolfe*, Mr. *Ralph Hamer*, Mr. *John Pountis*, Mr. Michael Lapworth. Which said Counsellors and Council we earnestly pray and desire, and in his Majesty's Name strictly charge and command, that (all Factions, Partialities, and sinister Respect laid aside) they bend their Care and Endeavors to assist the said Governor; first and principally in the Advancement of the Honour and Service of God, and the Enlargement of his Kingdom amongst the Heathen People; and next, in erecting of the said Colony in due obedience to his Majesty, and all lawful Authority from his Majesty's Directions; and lastly, in maintaining the said People in Justice and *Christian* Conversation amongst themselves, and in Strength and Ability to withstand their Enemies. And this Council, to be always, or for the most Part, residing about or near the Governor.

IV. The other Council, more generally to be called by the Governor, once yearly, and no oftener, but for very extraordinary and important occasions, shall consist, for the present, of the said Council of State, and of two Burgesses out of every Town, Hundred, or other particular Plantation, to be respectively chosen by the Inhabitants; Which Council shall be called THE GENERAL ASSEMBLY, wherein (as also in the said Council of State) all Matter shall be decided, determined, and ordered, by the greater Part of the Voices then present; reserving to the Governor always a Negative Voice. And this General Assembly shall have free Power to treat, consult, and conclude, as well of all emergent Occasions concerning the Publick Weal of the said Colony and every Part thereof, as also to make, ordain, and enact such general Laws and Orders, for the Behoof of the said Colony, and the good Government thereof, as shall, from time to time, appear necessary or requisite;

V. Whereas in all other Things, we require the said General Assembly, as also the said Council of State, to imitate and follow the Policy of the Form of Government—Laws, Customs, and Manner of Trial, and other Administration of Justice, used in the Realm of *England*, as near as may be, even as ourselves, by his Majesty's Letters Patent, are required.

VI. Provided, that no Law or Ordinance, made in the said General Assembly, shall be or continue in Force or Validity, unless the same shall be solemnly ratified and confirmed, in a General Quarter Court of the said Company here in England and so ratified, be returned to them under our Seal; It being our Intent to afford the like Measure also unto the said Colony, that after the Government of the said Colony shall once have been well framed, and settled accordingly, which is to be done by Us, as by Authority derived from his Majesty, and the same shall have been so by Us declared, no Orders of Court afterwards shall bind the said Colony, unless they be ratified in like Manner in the General Assemblies. IN WITNESS whereof we have here unto set our Common Seal, the 24th of *July* 1621, and in the Year of the Reign of our Sovereign Lord, JAMES, King of *England*, &c., the——and of Scotland the——

## THE LEYDEN AGREEMENT

1618

(W. Walker, *The Creeds and Platforms of Congregationalism*, p. 89-90.)

A group of London Separatists had settled in Amsterdam as early as 1593. In 1607-08 Separatists from the Scrooby Congregation joined the congragation in Amsterdam, but shortly moved to Leyden. In 1617 the Scrooby-Leyden group determined to move to America and applied to the Virginia Company for a patent to land in Virginia. To further this application, the congregation drew up these Seven Articles as assurance to the King of loyalty and orthodoxy. The King however promised only that "he would connive at them and not molest them provided they carried themselves peaceably." Eventually they secured a patent from the Virginia Company. See Doc. No. 11. On the Leyden Agreement and the Scrooby-Leyden Congregation see W. Bradford, *History of the Plymouth Plantation*; J.E. Goodwin, *The Pilgrim Republic*: L. Bacon, *The Genesis of the New England Churches*; H.M. Dexter, *Congregationalism of the Last Three Hundred Years as Seen in its Literature*, Lectures v-vii; A.E. Dunning, *Congregationalists in America*, ch. iii; G. Bancroft, in New York Hist. Soc. *Collections*, Second Ser. Vol. III; D. Plooij, *The Pilgrim Fathers from a Dutch Point of View*.

Seven Artikes which ye Church of Leyden sent to ye Counsell of England to bee considered of in respeckt of their judgements occationed about theer going to Virginia Anno 1618

1. To ye confession of fayth published in ye name of ye Church of England & to every artikell theerof wee do w$^{th}$ ye reformed churches wheer wee live & also els where assent wholy.

2. As wee do acknolidg ye docktryne of fayth theer tawght so do wee ye fruites and effeckts of ye same docktryne to ye begetting of saving fayth in thousands in ye land (conformistes and reformistes as ye are called) w$^{th}$ whom also as w$^{th}$ our bretheren wee do desyer to keepe sperituall communion in peace and will practis in our parts all lawfull thinges.

3. The Kings Majesty wee acknoledge for Supreame Governer in his Domin.on in all causes and over all parsons, and ye none maye decklyne or apeale from his authority or judgement in any cause whatsoever, byt ye in all thinges obedience is dewe unto him, ether active, if ye thing commanded be not agaynst God's woord, or passive yf itt bee, except pardon can bee obtayned.

4. Wee judg itt lawfull for his Majesty to apoynt bishops; civill overseers, or officers in awthoryty onder hime, in ye severall provinces, dioses, congregations or parrishes to oversee ye Churches and governe them civilly according to ye Lawes of ye Land, untto whom ye ar in all thinges to give an account & by them to bee ordered according to Godlynes.

5. The authoryty of ye present bishops in ye Land wee do acknowlidg so far forth as ye same is indeed derived from his Majesty untto them and as ye proseed in his name, whom we will also theerein honor in all things and hime in them.

6. Wee beleeve yt no sinod, classes, convocation or assembly of Ecclesiastical officers hath any power or awthoryty att all but as ye same by ye Majestraet geven unto them.

7. And lastly, wee desyer to geve untto all Superiors dew honnor to preserve ye untiy of ye speritt w$^{th}$ all ye feare God, to have peace w$^{th}$ all men what in us lyeth & wheerin wee err to bee instructed by any.

Subscribed by John Robinson
and Willyam Bruster

## The Mayflower Compact

November 11, 1620

(Poore, ed. *The Federal and State Constitutions*, Part I, p. 931.)

The Separatists living in Leyden, Holland, desired for various reasons to transplant their colony to America. In 1619 they secured from the Virginia Company a patent for a private plantation. The Pilgrims, reinforced by some seventy persons from London, sailed from Plymouth in September, 1620, and arrived off Cape Cod in November. Some of the London recruits were an "undesirable lot" and, Bradford tells us, boasted that they were not under the jurisdiction of the Virginia Company and "would use their owne libertie". In order to establish some form of

of government, therefore, the Pilgrim leaders drew up the famous Mayflower Compact. The Compact was not intended as a constitution, but was an extension of the customary church covenant to civil circumstances. Inasmuch as the Plymouth settlers were never able to secure a charter, the Mayflower compact remained the only form of constitution of the colony. See, W. Bradford, *History of the Plymouth Plantation*, various eds.; A. Young, *Chronicles of the Pilgrim Fathers, 1602-25*; E. Arber, ed. *Story of the Pilgrim Fathers, 1606-23*; J. Fiske, *Beginnings of New England*; J.G. Palfrey, *History of New England*, Vol. I; J.A. Dovle, *The English Colonies in America*, Vol. II, pt. I; E. Eggleston, *The Beginners of a Nation*; J.T. Adams, *The Founding of New England*; C.M. Andrews, *The Fathers of New England*; C.M. Andrews, *The Colonial Period of American History*, Vol. I, ch xiii; L.G. Tyler, *England in America*, ch. ix; H.L. Osgood, *American Colonies in the Seventeenth Century*, Vol. I; J.A. Goodwin, *The Pilgrim Republic*; A. Lord, "The Mayflower Compact," *Proceedings* of the Am. Antiquarian Soc., 1921; A.C. McLaughlin, *Foundations of American Constitutionalism*, ch. i; V.L. Parrington, *The Colonial Mind*, p. 16 ff.

IN The Name of God, Amen. We, whose names are underwritten, the Loyal Subjects of our dread Sovereign Lord King *James*, by the Grace of God, of *Great Britain, France*, and *Ireland*, Kind, *Defender of the Faith, &c.* Having undertaken for the Glory of God, and Advancement of the Christian Faith, and the Honour of our King and Country, a Voyage to plant the first colony in the northern Parts of Virginia; Do by these Presents, solemnly and mutually in the Presence of God and one another, covenant and combine ourselves together into a civil Body Politick, for our better Ordering and Preservation, and Furtherance of the Ends aforesaid; And by Virtue hereof do enact, constitute, and frame, such just and equal Laws, Ordinances, Acts. Constitutions, and Offices, from time to time, as shall be thought most meet and convenient for the general Good of the Colony; unto which we promise all due Submission and Obedience. In WITNESS whereof we have hereunto subscribed our names at *Cape Cod* the eleventh of *November*, in the Reign of our Sovereign Lord King *James* of *England, France*, and *Ireland*, the eighteenth and of *Scotland*, the fifty-fourth. *Anno Domini*, 1620.

Mr. John Carver
Mr. William Bradford
Mr. Edward Winslow
Mr. William Brewster
Isaac Allerton
Miles Standish
John Alden
Mr. Stephen Hopkins
Digery Priest
Thomas Williams
Gilbert Winslow
Edmund Margesson
Peter Brown
Richard Bitteridge
John Turner
Francis Eaton
James Chilton
John Craxton
John Billington
Joses Fletcher
John Goodman
Mr. Samuel Fuller
Mr. Christopher Martin
Mr. William Mullins
Mr. William White
Mr. Richard Warren
John Howland
George Soule
Edward Tilly
John Tilly
Francis Cooke
Thomas Rogers
Thomas Tinker
John Ridgate
Edward Fuller
Richard Clark
Richard Gardiner
Mr. John Allerton
Thomas English
Edward Doten
Edward Liester.

## The First Charter of Massachusetts

March 4, 1629

(F.N. Thorpe, ed. *Federal and State Constitutions*, Vol. III, p. 1846 ff.)

In 1620 the survivors of the Plymouth Company applied to the crown for a charter for settlement in New England, and were granted the land from the 40th to the 48th parallel, under the name of the Council for New England. It was from this body that the Pilgrims secured their patent in 1621. In 1623 the "Dorchester Adventurers" had established a fishing settlement at Cape Ann; subsequently the Adventurers, under the leadership of the Rev. John White, secured from the Council for New England a patent to this territory. This company was enlarged, and under the name of the Governor and Company of the Massachusetts Bay in New England secured the royal charter of March 4, 1629. In as much as this charter granted to the Massachusetts Bay Company territory previously granted to the Council for New England, there was some doubt about its legality. The Massachusetts Bay Company had the support of the powerful Earl of Warwick, who was titular President of the Council for New England. "Probably no one," concludes Professor C.M. Andrews, "would deny that the charter of the Massachusetts Bay Company was covertly and even 'surreptitiously' obtained". For the process by which the charter of the Company became the constitution of a colony, see Doc. No. 13. On the Charter, see, J.T. Adams, *The Founding of New England*; C.M. Andrews, *Fathers of New England*; J. Fiske, *The Beginnings of New England*; A.P. Newton, *Colonizing Activities of the English Puritans*; S.E. Morison, *Builders of the Bay Colony*; F. Rose-Troup, *The Massachusetts Bay Company and its Predecessors*; F. Rose-Troup, *John White*; the charter and other related source material is in The Founding of Massachusetts, Mass. Hist. Society, *Proceedings*, Vol. LXII.

CHARLES, BY THE GRACE OF GOD Kinge of England...[there follows a recital of the patent of 1620 and the grant to Sir Henry Rosewell of 1628, which grant is by this charter confirmed, and continues:]

AND FURTHER, know yee,...We...doe...give and graunte vnto the saide Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaak Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniel Wright, Samuell Browne. Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their Heires and Assignes, all that Part of Newe England in America, which lyes and extendes betweene a great River there, comonlie called Monomack River, alias Merrimack River, and a certen other River there, called Charles River, being in the Bottome of a certain Bay there, comonlie called Massachusetts,...; and also all and singuler those Landes and Hereditaments whatsoever, lying within the Space of Three Englishe Myles on the South Parte of the said River, called Charles River,...also all and singular the Landes..., lying and being within the Space of Three Englishe Miles to the southward of the southermost Parte of the said Baye, called Massachusetts,...: And also all those Landes and Hereditaments whatsoever, which lye and be within the Space of Three Englishe Myles to the Northward of the saide River, called Monomack, alias Merrymack,...and all Landes and Hereditaments whatsoever, lyeing within the Lymitts aforesaide, North and South, in Latitude and Bredth, and in Length and Longitude, of and within all the Bredth aforesaide, throughout the mayne Landes there, from the Atlantick and Westerne Sea and Ocean on the Easte Parte, to the South Sea on the West Parte;... and also all Islandes in America aforesaide, in the saide Seas,...and all Mynes and Mynerals as well Royal mynes of Gold and Silver...whatsoever, in the said Landes and Premisses,...and free Libertie of fishing in or within any the Rivers or Waters within the Boundes and Lymytts aforesaid, and the Seas therevnto adjoining;...

WE HAVE FURTHER...Given, graunted and confirmed,...vnto Sir Henry Rosewell, [etc.], and all such others as shall hereafter be admitted...shall...be,...one Body corporate and politique in Fact and Name, by the Name of the Governor and Company of the Massachusetts Bay in Newe-England,...We doe...ordeyne,...that by that name they shall have perpetuall Succession, and...shall and maie be capeable and enabled aswell to implead, and to be impleaded, and to prosecute, demaund, and aunswere, and be aunswered vnto, in all and singuler Suites, Causes, Querrells, and Accons, of what kinde or nature soever. And also to have, take, possesse, acquire, and purchase any Landes, Tenements, or Hereditaments, or any Goodes or Chattells,...

AND FURTHER,...That...there shalbe one Governor, one Deputy Governor, and eighteene Assistants of the same Company, to be from tyme to tyme constituted, elected and chosen out of the Freemen of the saide Company,...which said Officers shall applie themselves to take care for the best disposeing and ordering of the generall buysines and Affaires of, for, and concerning the said Landes and Premisses...and the Government of the People there....

AND FURTHER,...That the Governor of the saide Company...shall have Authoritie from tyme to tyme...to give order for the assembling of the saide Company, and...saide Company,...maie once every Moneth, or oftener at their Pleasures, assemble and houlde and keepe a Courte or Assemblie of themselves, for the better ordering and directing of their Affaires, and that any seaven or more persons of the Assistants, togither with the Governor, or Deputie Governor soe assembled,...shalbe a full and sufficient Courte or Assemblie of the said Company,... and...WEE DOE...give and graunte...That the Governor,...and six of the Assistants at the least to be seaven, shall have full Power and authoritie to choose, nominate, and appointe, such and soe many others as they shall thinke fitt,...to be free of the said Company and Body, and them into the same to admitt; and to elect and constitute such Officers as they shall think fitt and requisite, for the ordering, mannaging, and dispatching of the Affaires of the saide Governor and Company, and their Successors; And to make Lawes and Ordinances for the Good and Welfare of the saide Company, and for the Government and ordering of the saide Landes and Plantacon, and the People inhabiting...the same, as to them from tyme to tyme shalbe thought meete,...

AND,...Wee doe graunte to the saide, Governor and Company,...That all and every the Subjects of Vs,...which shall...inhabite within the saide Landes..., shall have and enjoy all liberties and Immunities of free and naturall Subjects within any of the Domynions of Vs,...And...it shall and maie be lawfull, to and for the Governor...and such of the Assistants and Freemen of the said Company for the Tyme being as shalbe assembled in any of their generall Courts aforesaide, or in any other Courtes to be specially sumoned and assembled for that Purpose, or the greater Parte of them...from tyme to tyme, to make, ordeine, and establishe all Manner of wholesome and reasonable Orders, Lawes, Statutes, and Ordinances, Direccons, and Instruccons, not

contrairie to the Lawes of this our Realme of England, aswell for setling of the Formes and Ceremonies of Governm[t] and Magistracy,...and for the directing, ...of all other Matters and Thinges, whereby our said People,...may be soe religiously, peaceablie, and civilly governed, as their good Life and orderlie Conversacon, maie wynn and incite the Natives of Country, to the Knowledg and Obedience of the onlie true God and Sauior of Mankinde, and the Christian Fayth, which in our Royall Intencon, and the Adventurers free Profession, is the principall Ende of this Plantacion....

Witnes ourself, at Westminster, the fourth day of March in the fourth Yeare of our Raigne.

Per Breve de Privato Sigillo,

Wolseley.

## The Cambridge Agreement

August 26, 1629

(T. Hutchinson, *Collection of Original Papers relative to the History of the colony of Massachusetts-Bay*, p. 25ff.)

By this agreement some of the leading members of the Massachusetts Bay Company bound themselves to embark for America and take the charter with them. The transfer of the charter meant that a business company would be metamorphosed into a plantation. The purpose of this drastic and probably illegal action was to secure the enterprise from interference by the Government of England. For the significance of this transfer of the charter see, C.M. Andrews, *Our Earliest Colonial Settlements*, p. 67 ff.; C.M. Andrews, *The Colonial Period of American History*, Vol. I, ch. xviii.

The True Coppie of the agreement at Cambridge, August 26, 1629.

Upon due consideration of the state of the plantation now in hand for New England, wherein wee (whose names are hereunto subscribed) have engaged ourselves: and having weighed the greatnes of the worke in regard of the consequence, God's glory and the churches good: As also in regard of the difficultyes and discouragements which in all probabilityes must be forecast upon the execution of this businesse. Considering withall that this whole adventure growes upon the joint confidence we have in each others fidelity and resolution herein, so as no man of us would have adventured it without assurance of the rest: Now, for the better encouragement of ourselves and others that shall joyne with us in this action, and to the end that every man may without scruple dispose of his estate and afayres as may best fitt his preparation for this voyage, it is fully and faithfully agreed amongst us, and every of us doth hereby freely and sincerely promise and bind himselfe in the word of a christian and in the presence of God who is the searcher of all hearts, that we will so really endeavour the execution of this worke, as by God's assistance we will be ready...in our persons, and with such of our severall familyes as are to go with us, and such provision as we are able conveniently to furnish ourselves withall, to embarke for the said plantation by the first of March next,...at such port or ports of this land as shall be agreed upon by the Companie, to the end to passe the seas (under God's protection) to inhabite and continue in New England. Provided always, that before the last of September next the whole government together with the patent for the said plantation be first by an order of court legally transferred and established to remain with us and others which shall inhabite upon the said plantation ...And we do further promise every one for himselfe, that shall fayle to be ready through his own default by the day appointed, to pay for every day's default the sum of 3 pounds to the use of the rest of the Companie who shall be ready by the same day and time.

This was done by order of court the 29th of August, 1629.

| | |
|---|---|
| Richard Saltonstall | Tho: Sharp |
| Tho: Dudley | Increase Nowell |
| William Vassall | John Winthrop |
| Nicko: West | Will: Pinchon |
| Isaack Johnson | Kellam Browne |
| John Humfrey | William Colbron |

## Charter of Freedoms and Exemptions to Patroons

June 7, 1629

(E.B. O'Callaghan, ed. *Documents Relative to the Colonial History of the State of New York*, Vol. II, p. 55? ff.)

This charter of privileges to the patroons established the patroon system of land tenure in New Netherland and New York. Under this charter a few patroons secured control of most of the land along the Hudson River; some of the land grants, such as those to Killian Van Rensselaer, were enormous. On the Dutch settlement of New Netherland, see E.B. O'Callaghan, *History of New Netherland*, 2 Vols.; T.A. Janvier, *Dutch Founding of New York*; A.C. Flick, ed. *History of the State of New York*, Vol. I, chs. vii-x; C.W. Rife, "Land Tenure in New Netherland"; *Essays in Colonial History presented to C.M. Andrews*, p. 41 ff.; H.L. Osgood, *American Colonies in the XVII century*, Vol. II, ch. v.

III. All such shall be acknowledged Patroons of New Netherland who shall, within the space of four years next after they have given notice to any of the

Chambers of the Company here, or to the Commander or Council there, undertake to plant a Colonie there of fifty souls, upwards of fifteen years old; one-fourth part within one year, and within three years after the sending of the first, making together four years, the remainder, to the full number of fifty persons...; but it is to be observed that the Company reserve the Island of the Manhattes to themselves.

IV. They shall, from the time they make known the situation of the places where they propose to settle Colonies, have the preference to all others of the absolute property of such lands as they have there chosen; but in case the situation should not afterwards please them, or they should have been mistaken as to the quality of the land, they may, after remonstrating concerning the same to the Commander and council there, be at liberty to choose another place.

V. The Patroons, by virtue of their power, shall and may be permitted, at such places as they shall settle their Colonies, to extend their limits four leagues along the shore, that is, on one side of a navigable river, or two leagues on each side of a river, and so far into the country as the situation of the occupiers will permit; provided and conditioned that the Company keep to themselves the lands lying and remaining between the limits of Colonies, to dispose thereof, when and at such time as they shall think proper, in such manner that no person shall be allowed to come within seven or eight leagues of them without their consent, unless the situation of the land thereabout be such that the Commander and Council, for good reasons, should order otherwise....

VI. They shall forever possess and enjoy all the lands lying within the aforesaid limits, together with the fruits, rights, minerals, rivers and fountains thereof; as also the chief command and lower jurisdictions, fishing, fowling and grinding, to the exclusion of all others, to be holden from the Company as a perpetual inheritance, without it ever devolving again to the Company, and in case it should devolve, to be redeemed and repossessed with twenty guilders per Colonie, to be paid to this Company, at the Chamber here or to their Commander there, within a year and six weeks after the same occurs, each at the Chamber where he originally sailed from; and further, no person or persons whatsoever shall be privileged to fish and hunt but the Patroons and such as they shall permit. And in case any one should in time prosper so much as to found one or more cities, he shall have power and authority to establish officers and magistrates there, and to make use of the title of his Colonie, according to his pleasure and to the quality of the persons....

X. The Patroons and colonists shall be privileged to send their people and effects thither, in ships belonging to the Company, provided they take the oath, and pay to the Company for bringing over the people, as mentioned in the first article....

XII. Inasmuch as it is intended to people the Island of the Manhattes first, all fruits and wares that are produced on the lands situate on the North river, and lying thereabout, shall, for the present, be brought there before being sent elsewhere,...

XIII. All the Patroons of Colonies in New Netherland, and of Colonies on the Island of Manhattes, shall be at liberty to sail and traffic all along the coast, from Florida to Terra Neuf, provided that they do again return with all such goods as they shall get in trade to the Island of Manhattes, and pay five per cent duty to the Company, in order, if possible, that, after the necessary inventory of the goods shipped be taken, the same may be sent hither....

XV. It shall be also free for the aforesaid Patroons to traffic and trade all along the coast of New Netherland and places circumjacent, with such goods as are consumed there, and receive in return for them all sorts of merchandise that may be had there, except beavers, otters, minks, and all sorts of peltry, which trade the Company reserve to themselves. But the same shall be permitted at such places where the Company have no factories, conditioned that such traders shall be obliged to bring all the peltry they can procure to the Island of Manhattes, in case it may be, at any rate, practicable, and there deliver to the Director, to be by him shipped hither with the ships and goods; or, if they should come here without going there, then to give notice thereof to the Company, that a proper account thereof may be taken, in order that they may pay to the Company one guilder for each merchantable beaver and otter skin; the property, risk and all other charges remaining on account of the Patroons or owners.

XVI. All coarse wares that the Colonists of the Patroons there shall consume, such as pitch, tar, weed-ashes, wood, grain, fish, salt, hearthstone and such like things shall be conveyed in the Company's ships, at the rate of eighteen guilders per last....

XVIII. The Company promises the colonists of the Patroons that they shall be free from customs, taxes, excise, imposts or any other contributions for the space of ten years; and after the expiration of the said ten years, at the highest, such customs as the goods pay here for the present....

XX. From all judgments given by the Courts of the Patroons for upwards of fifty guilders, there may be an appeal to the Company's Commander and Council in New Netherland.

XXI. In regard to such private persons as on their own account,...shall be inclined to go thither and settle, they shall, with the approbation of the

Director and Council there, be at liberty to take up and take possession of as much land as they shall be able properly to improve,...

XXIII. Whosoever, whether colonists of Patroons for their Patroons, or free persons for themselves, or others for their masters, shall discover any shores, bays or other fit places for erecting fisheries, or the making of salt ponds, they may take possession thereof, and begin to work on them as their own absolute property, to the exclusion of all others. And it is consented to that the Patroons of colonists may send ships along the coast of New Netherland, on the cod fishery,...

XXVI. Whoever shall settle any Colonie out of the limits of the Manhattes Island, shall be obliged to satisfy the Indians for the land they shall settle upon, and they may extend or enlarge the limits of their Colonies if they settle a proportionate number of colonists thereon.

XXVII. The Patroons and colonists shall in particular, and in the speediest manner, endeavor to find out ways and means whereby they may support a Minister and Schoolmaster, that thus the service of God and zeal for religion may not grow cool and be neglected among them, and they shall, for the first, procure a Comforter of the sick there....

XXIX. The Colonists shall not be permitted to make any woolen, linen or cotton cloth, nor weave any other stuffs there, on pain of being banished, and as perjurers, to be arbitrarily punished.

XXX. The Company will use their endeavors to supply the colonists with as many Blacks as they conveniently can, on the conditions hereafter to be made, in such manner, however, that they shall not be bound to do it for a longer time than they shall think proper.

XXXI. The Company promises to finish the fort on the Island of the Manhattes, and to put it in a posture of defence without delay.

## The Charter of Maryland

June 20, 1632

(F.N. Thorpe, ed. *Federal and State Constitutions*, Vol. III, p. 1677 ff.)

George Calvert, first Lord Baltimore, had attempted to found a colony in Newfoundland, but discouraged by the uninviting character of his grant there persuaded Charles I to grant him a patent to land north of the Potomac. George Calvert died in April, 1632, and the charter was issued to his son, Cecil, second Lord Baltimore. The charter of Maryland was modeled after the earlier charter to the Newfoundland plantation, Avalon, which was in turn modeled after the county Palatine of Durham, a crown fief, the powers of whose lord were second only to those of the King. See, C.C. Hall, *The Lords Baltimore and the Maryland Palatinate*; M.P. Andrews, *The Founding of Maryland*; B.C. Steiner, *Beginnings of Maryland*; N.D. Mereness, *Maryland as a Proprietary Province*; W.H. Browne, *Georgius and Cecilius Calvert*; B.C. Steiner, "The First Lord Baltimore and his Colonial Projects," American Hist. Assoc. *Reports*, 1905.

...II. Whereas our well beloved and right trusty Subject Caecilius Calvert, Baron of Baltimore, in our Kingdom of Ireland,...being animated with a laudable, and pious Zeal for extending the Christian Religion, and also the Territories of our Empire, hath humbly besought Leave of Us, that he may transport, by his own Industry, and Expence, a numerous Colony of the English Nation, to a certain Region, herein after described, in a Country hitherto uncultivated, in the Parts of America, and partly occupied by Savages, having no Knowledge of the Divine Being, and that all that Region, with some certain Privileges, and Jurisdictions, appertaining unto the wholesome Government, and State of his Colony and Region aforesaid, may by our Royal Highness be given, granted, and confirmed unto him, and his Heirs.

III. Know Ye therefore, that We...by this our present Charter...do Give, Grant, and Confirm, unto the aforesaid Caecilius, now Baron of Baltimore, his Heirs, and Assigns, all that Part of the Peninsula, or Chersonese, lying in the Parts of America, between the Ocean on the East, and the Bay of Chesopeake on the West, [boundaries defined]...

IV. Also We do Grant...unto the said Baron of Baltimore...all Islands and Islets within the Limits aforesaid, all and singular the Islands and Islets, from the Eastern Shore of the aforesaid Region, towards the East, which have been, or shall be formed in the Sea, situate within Ten marine Leagues from the said Shore;...And further more the Patronages, and Advowsons of all Churches which (with the increasing Worship and Religion of Christ) within the said Region..., hereafter shall happen to be built, together with Licence, and Faculty of erecting and founding Churches, Chapels, and Places of Worship, in convenient and suitable Places within the Premises, and of causing the same to be dedicated and consecrated according to the Ecclesiastical Laws of our Kingdom of England, with all, and singular such, and as ample Rights, Jurisdictions, Privileges, Prerogatives, Royalties, Liberties, Immunities, and royal Rights, and Temporal Franchises whatsoever, as well by Sea as by Land, within the Region...aforesaid, to be had, exercised, used, and enjoyed, as any Bishop of Durham, within the Bishoprick or County Palatine of Durham, in our Kingdom of England, ever heretofore, hath had, held,

used, or enjoyed or of Right could, or ought to have, hold, use, or enjoy.

V. And We do by these Presents...Make, Create, and Constitute Him, the now Baron of Baltimore, and his Heirs, the True and Absolute Lords and Proprietaries of the Region aforesaid, and of all other the Premises (except the before excepted) saving always the Faith and Allegiance and Sovereign Dominion due to Us...; To Hold of Us as of our Castle of Windsor, in our County of Berks, in free and common Soccage, by Fealty only for all Services, and not in capite, nor by Knight's Service, Yielding therefore unto Us...two Indian Arrows of these Parts, to be delivered at the said Castle of Windsor, every Year, on Tuesday in Easter-Week: And also the fifth Part of all Gold and Silver Ore, which shall happen from Time to Time, to be found within the aforesaid limits.

VI. Now, That the aforesaid Region,...may be eminently distinguished above all other Regions of that Territory,...Know Ye, that...We do...Erect and Incorporate the same into a Province, and nominate the same Maryland, by which name We will that it shall from hencefore be called.

VII. And...We...do grant unto the said now Baron...for the good and happy Government of the said Province, free, full, and absolute Power, by the tenor of these Presents, to Ordain, Make, and Enact Laws, of what kind soever, according to their sound Discretions, whether relating to the Public State of the said Province, or the private Utility of Individuals, of and with the Advice, Assent, and Approbation of the Free-Men of the same Province, or of the greater Part of them, or of their Delegates or Deputies, whom We will shall be called together for the framing of Laws, when, and as often as Need shall require, by the aforesaid now Baron of Baltimore..., and in the Form which shall seem best to him...and duly to execute the same upon all Persons, for the Time being, within the aforesaid Province, and the Limits thereof, or under his or their Government and Power,...by the Imposition of Fines, Imprisonment, and other Punishment whatsoever; even if it be necessary, and the Quality of the Offence require it, by Privation of Member, or Life...So Nevertheless, that the Laws aforesaid be consonant to Reason and be not repugnant or contrary, but (so far as conveniently may be) agreeable to the Laws, Statutes, Customs and Rights of this Our Kingdom of England....

XVII. Moreover, We will, appoint, and ordain, and by these Presents, for Us, our Heirs and Successors, do grant unto the aforesaid now Baron of Baltimore, his Heirs and Assigns, that the same Baron of Baltimore, his Heirs and Assigns, from Time to Time, forever, shall have, and enjoy the Taxes and Subsidies payable, or arising within the Ports, Harbors, and other Creeks and Places aforesaid, within the Province aforesaid, for Wares bought and sold, and Things there to be laden, or unladen, to be reasonably assessed by them, and the People there as aforesaid, on emergent Occasion; to whom We grant Power by these Presents, for Us, our Heirs and Successors, to assess and impose the said Taxes and Subsidies there, upon just Cause and in due Proportion.

XVIII. And Furthermore...We...do give...unto the aforesaid now Baron of Baltimore...full and absolute Licence, Power, and Authority...that he assign, alien, grant, demise, or enfeoff so many, such, and proportionate Parts and Parcels of the Premises, to any Person or Persons willing to purchase the same, as they shall think convenient, to have and to hold ...in Fee-simple, or Fee-tail, or for Term of Life, Lives, or Years; to hold of the aforesaid now Baron of Baltimore...by...such...Services, Customs and Rents Of This Kind, as to the same now Baron of Baltimore ...shall seem fit and agreeable, and not immediately of Us...

XIX. We also...do...grant Licence to the same Baron of Baltimore...to erect any Parcels of Land within the Province aforesaid, into Manors, and in every of those Manors, to have and to hold a Court-Baron, and all Things which to a Court-Baron do belong;...

### Fundamental Orders of Connecticut

January 14, 1639

(Poore, ed. *The Federal and State Constitutions*, Part I, p. 249 ff.)

In 1636 the Rev. Thomas Hooker led his New Town congregation into the inviting Connecticut Valley, and founded the town of Hartford. These pioneers were soon followed by others from Massachusetts Bay, and in January 1639 the freemen of the towns of Hartford, Windsor and Wethersfield assembled at Hartford and drew up the Fundamental Orders—the first written constitution that created a government. See, J.G. Palfrey, *History of New England*, Vol. I; J. Fiske, *Beginnings of New England*; B. Trumbull, *History of Connecticut*, Vol. I; J.A. Doyle, *English Colonies in America; The Puritan Colonies*, Vol. I; B. Long, *Genesis of the Constitution of the United States*, ch. iv. On Hooker, see, G.L. Walker, *Thomas Hooker*; V.L. Parrington, *The Colonial Mind*, p. 53 ff.

Foreasmuch as it hath pleased the Allmighty God by the wise disposition of his divyne pruvidence so to Order and dispose of things that we the Inhabitants and Residents of Windsor, Harteford and Wethersfield are now cohabiting and dwelling in and uppon the River of Conectecotte and the Lands

thereunto adioyneing; And well knowing where a people are gathered togather the word of God requires that to mayntayne the peace and union of such a people there should be an orderly and decent Government established according to God, to order and dispose of the affayres of the people at all seasons as occation shall require; doe therefore assotiate and conioyne our selves to be as one Publike State or Commonwelth; and doe, for our selves and our Successors and such as shall be adioyned to us att any tyme hereafter, enter into Combination and Confederation togather, to mayntayne and presearve the liberty and purity of the gospell of our Lord Jesus which wer now professe, as also the disciplyne of the Churches, which according to the truth of the said gospell is now practised amongst us; As also in our Civell Affaires to be guided and governed according to such Lawes, Rules, Orders and decrees as shall be made, ordered & decreed, as followeth:—

1. It is Ordered...that there shall be yerely two generall Assemblies or Courts, the one the second thursday in Aprill, the other the second thursday in September, following; the first shall be called the Courte of Election, wherein shall be yerely Chosen ...soe many Magestrats and other publike Officers as shall be found requisitte: Whereof one to be chosen Governour for the yeare ensueing and untill another be chosen, and noe other Magestrate to be chosen for more than one yeare; provided allwayes there be sixe chosen besids the Governour; which being chosen and sworne according to an Oath recorded for that purpose shall have power to administer iustice according to the Lawes here established, and for want thereof according to the rule of the word of God; which choise shall be made by all that are admitted freemen and have taken the Oath of Fidellity, and doe cohabitte within this Jurisdiction, (having beene admitted Inhabitants by the major part of the Towne wherein they live,) or the major parte of such as shall be then present.

4. It is Ordered...that noe person be chosen Governor above once in two yeares, and that the Governor be alwayes a member of some approved congregation, and formerly of the Magestracy within this Jurisdiction; and all the Magestrats Freemen of this Commonwelth:...

5. It is Ordered...that to the aforesaid Courte of Election the severall Townes shall send their deputyes, and when the Elections are ended they may proceed in any publike searvice as at other Courts. Also the other Generall Courte in September shall be for makeing of lawes, and any other publike occation, which conserns the good of the Commonwelth.

7. It is Ordered...that after there are warrants given out for any of the said Generall Courts, the Constable...of ech Towne shall forthwith give notice distinctly to the inhabitants of the same,...that at a place and tyme by him or them lymited and sett, they meet and assemble them selves togather to elect and chuse certen deputyes to be att the Generall Courte then following to agitate the afayres of the commonwelth; which said Deputyes shall be chosen by all that are admitted Inhabitants in the severall Townes and have taken the oath of fidellity; provided that non be chosen a Deputy for any Generall Courte which is not a Freeman of this Commonwelth....

8. It is Ordered...that Wyndsor, Hartford and Wethersfield shall have power, ech Towne, to send fower of their freemen as their deputyes to every Generall Courte; and whatsoever other Townes shall be hereafter added to this Jurisdiction, they shall send so many deputyes as the Courte shall judge meete, a resonable proportion to the number of Freemen that are in the said Townes being to be attended therein; which deputyes shall have the power of the whole Towne to give their voats and alowance to all such lawes and orders as may be for the publike good, and unto which the said Townes are to be bownd.

9. It is ordered...that the deputyes thus chosen shall have power and liberty to appoynt a tyme and a place of meeting togather before any Generall Courte to advise and consult of all such things as may concerne the good of the publike, as also to examine their owne Elections....

10. It is Ordered...that every Generall Courte... shall consist of the Governor, or some one chosen to moderate the Court, and 4 other Magestrats at lest, with the major parte of the deputyes of the severall Townes legally chosen; and in case the Freemen or major parte of them, through neglect or refusall of the Governor and major parte of the magestrats, shall call a Courte, it shall consist of the major parte of Freemen that are present or their deputyes, with a Moderator chosen by them: In which said Generall Courts shall consist the supreme power of the Commonwelth, and they only shall have power to make lawes or repeale them, to graunt levyes, to admitt of Freemen, dispose of lands undisposed of, to several Townes or persons, and also shall have power to call ether Courte or Magestrate or any other person whatsoever into question for any misdemeanour, and may just causes displace or deale otherwise according to the nature of the offence; and also may deale in any other matter that concerns the good of this commonwelth, excepte election of Magestrats, which shall be done by the wholy boddy of Freemen.

In which Courte the Governour of Moderator shall have power to order the Courte to give liberty of spech, and silence unceasonable and disorderly speakeings, to put all things to voate, and in case

the vote be equall to have the casting voice. But non of these Courts shall be adjorned or dissolved without the consent of the major parte of the Court.

11. It is ordered. . . .that when any Generall Courte uppon the occations of the Commonwelth have agreed uppon any summe or sommes of mony to be levyed uppon the severall Townes within this Jurisdiction, that a Committee be chosen to sett out and appoynt what shall be the proportion of every Towne to pay of the said levy, provided the Committees be made up of an equall number out of each Towne.

## Plantation Agreement at Providence

August 27, 1640

(F.N. Thorpe, ed. *Federal and State Constitutions*, Vol. VI, p. 3205 ff.)

In 1636 Roger Williams led a small band of settlers from Massachusetts Bay to Narragansett Bay and founded the town of Providence. In 1638 and 1639 other settlements were established, but all of these towns remained separate and independent until the charter of 1644 went into effect. In 1640 the inhabitants of Providence drew up an agreement in which, among other things, they covenanted "to hould forth liberty of conscience." On Roger Williams and the early history of Rhode Island, see O.S. Strauss, *Roger Williams*; E. Easton, *Roger Williams*; J. Ernst, *Roger Williams*; J. Ernst, *The Political Thought of Roger Williams*; V.L. Parrington, *The Colonial Mind*, p. 62 ff.; S.G. Arnold, *Rhode Island*; I.B. Richman, *Rhode Island*; E. Field, *Rhode Island*, Vol. I; Ju. Fiske, *Beginnings of New England*; J.T. Adamson, *The Founding of New England*; J. Winsor, ed. *Narrative and Critical History*, Vol. III.

Wee, Robert Coles, Chad Browne, William Harris, and John Warner, being freely chosen by the consent of our loving friends and neighbors and Inhabitants of this Towne of Providence, having many differences amongst us, they being freely willing and also bound themselves to stand to our Arbitration in all differences amongst us to rest contented in our determination, being so betrusted we have seriously and carefully indeavoured to weigh and consider all those differences, being desirous to bringe to unity and peace, although our abilities are farr short in the due examination of such weighty things, yet so farre as we conceive in laying all things together we have gone the fairest and equalist way to produce our peace.

II. Agreed. We have with one consent agreed that for the disposeing, of these lands that shall be disposed belonging to this towne of Providence to be in the whole Inhabitants by the choise of five men for general disposeall of lands and also of the towne Stocke, and all Generall things and not to receive in any six dayes at townesmen, but first to give the Inhabitants notice to consider if any have just cause to shew against the receiving of him as you can apprehend, and to receive none but such as subscribe to this our determination. Also, we agree that if any of our neighbours doe apprehend himselfe wronged by these or any of these 5 disposers, that at the Generall towne meeting he may have a tryall.

Also wee agree for the towne to choose beside the other five men one or more to keepe Record of all things belonging to the towne and lying in Common.

Wee agree, as formerly hath bin the liberties of the town, so still, to hould forth liberty of Conscience.

III. Agreed, that after many Considerations and Consultations of our owne State and alsoe of States abroad in way of government, we apprehend, no way so suitable to our Condition as government by way of Arbitration. But if men agree themselves by arbitration, no State we know of disallows that, neither doe we: But if men refuse that which is but common humanity betweene man and man, then to compel such unreasonable persons to a reasonable way, we agree that the 5 disposers shall have power to compel him to choose two men himselfe, or if he refuse, for them to choose two men to arbitrate his cause, and if these foure men chosen by every partie do end the cause, then to see theire determination performed and the faultive to oay the Arbitrators for theire time spent in it: But if these foure men doe not end it, then for the 5 disposers to choose three men to put an end to it, and for the certainty thereof, wee agree the major part of the 5 disposers to choose the 3 men, and the major part of the 3 men to end the cause haveing power from the 5 disposers by a note under theire hand to performe it, and the faultive not agreeing in the first to pay the charge of the last, and for the Arbitrators to follow no imployment til the cause by ended without consent of the whole that have to doe with the cause.

Instance. In the first Arbitration the offender may offer reasonable terms of peace, and the offended may exact upon him and refuse the trouble men beyond reasonable satisfaction; so for the last arbitrators to judge where the fault was, in not agreeing in the first, to pay the charge of the last.

IV. Agreed, that if any person damnify any man, either in goods or good name, and the person offended follow not the cause uppon the offendor, that if any person give notice to the 5 Disposers, they shall call the party delinquent to answer by Arbitration.

Instance. Thus, if any person abuse an other person or goods, may be for peace sake, a man will at present put it up, and it may so be resolve to revenge: therefore, for the peace of the state, the disposers are to

look to it in the first place.

V. Agreed, for all the whole Inhabitants to combine ourselves to assist any man in the pursuit of any party delinquent, with all best endeavours to attack him: but if any man raise a hubbub, and there be no just cause, then for the party that raised the hubbub to satisfy men for their time lost in it.

VI. Agreed, that if any man have a difference with any of the 5 Disposers which cannot be deferred till general meeting of the towne, then he may have the Clerk call the towne together at his (discretion) for a tryall.

Instance. It may be, a man may be to depart the land, or to a farr parte of the land; or his estate may lye yppon a speedy tryall or the like case may fall out.

VII. Agreed, that the towne, by the five men shall give every man a deed of all his lands lying within The bounds of the Plantations, to hould it by for after ages.

VIII. Agreed, that the 5 disposers shall from the date hereof, meete every month-day uppon General things and at the quarter-day to yeeld a new choise and give up their old Accounts.

IX. Agreed, that the Clerke shall call the 5 Disposers together at the month-day, and the generall towne together every quarter, to meete uppon general occasions from the date hereof....

XI. Agreed, that all acts of disposall on both sides to stand since the difference.

XII. Agreed, that every man that hath not paid in his purchase money for his Plantation shall make up his 10s. to be 30s. equal with the first purchasers: and for all that are received townemen hereafter, to pay the like somme of money to the towne stocke.

These being those things wee have generally concluded on, for our peace, we desireing our loving friends to receive as our absolute determination, laying ourselves downe as subjects to it.

# PRINCIPLES OF CITIZENSHIP: HISTORICAL DEVELOPMENT

**Laurence Berns**
**St. John's College**

This syllabus is designed to explore the principles of the ethics of citizenship, with special stress on their relation to problems in the American political way of life. It will be seen that principles and problems are inseparable. The fundamental roots of Western Civilization are the Bible, and Greek philosophy and science, which have influenced the attitudes and opinions of all English-speaking peoples. The only way to liberate oneself from the tradition, or to appreciate the truth it conveys, or to do both selectively, is to understand these influences. While there is much ethical agreement between the roots of the tradition, there are also fundamental tensions. Particularly concerning ultimate principles: personal God or impersonal nature? Committed belief or critical doubt? Righteous action or open-minded inquiry? These tensions have been said to be the secret of the vitality of Western Civilization. The development of modern science, explored in weeks six and seven, brought some of these conflicts to the fore. The founders of modern science directed themselves against ancient science, but both groups presupposed that autonomous science is possible and that nature is impersonal.

The course plan is for twelve weeks, but probably Week Six and perhaps Week Seven should have more time. The extra week could be divided among them. Although an ample supply of secondary readings has been provided, the approach to such readings of this project differs slightly from the other plans. Class time should be concentrated on the source material, secondary readings are strictly auxiliary to such concentration.

## *READINGS*

**Week 1** *The Roots of Western Civilization: The Bible and Greek Philosophy*

### *Primary Readings*

I Samuel, chapters 8-12.

II Samuel, chapters 11-12:24.

Epistle of Paul the Apostle to the Romans, chapter 13.

Aritophanes, *The Clouds. Four Texts on Socrates: Plato's Euthyphro, Apology, Crito,* and *Aristophanes' Clouds*, Trans. Thomas G. West and Grace Starry West, (Ithaca and London: Cornell University Press, 1984). These are the most accurate translations of these texts.

Plato, *Apology of Socrates.*

Plato, *Crito.*

### *Secondary Readings*

Leo Strauss, "Jerusalem and Athens: Some Preliminary Reflections," Studies in *Platonic Political Philosophy*, (Chicago: University of Chicago Press, 1983), pp. 147-173.

Chaninah Maschler, "The Seven Day Story," *Interpretation, A Journal of Political Philosophy*, [Queens College], Jan. 1978.

George Anastaplo, "Human Being and Citizen: A Beginning to the Study of Plato's *Apology of Socrates*" *Human Being and Citizen: Essays on Virtue, Freedom and the Common Good*, (Chicago: The Swallow Press, 1975), pp. 8-29.

### *Questions:*

What is the best way of life, the life of obedient righteousness and closeness to God, or open-minded inquiry? Do kings need prophets to remind them of the demands of righteousness? Does Socrates' way of life undermine natural authority? Is philosophy, the intransigent quest for truth, (including the truth about politics and religion) inherently subversive? Does it necessarily undermine political society and conventional morality? Is a good society possible without freedom to philosophize?

**Week 2** *What is Justice and What Political Order Best Promotes It?*

### *Primary Readings*

Plato, *Republic*, I through V. Trans. Allan Bloom, (New York and London: Basic Books, 1968).

### *Secondary Readings*

Leo Strauss, "Plato," *History of Political Philosophy*, (hereafter *HPP*), eds. Leo Strauss and Joseph Cropsey, (Chicago: University of Chicago Press, 1981), pp. 7-41.

Larry Arnhart, "Political Knowledge and Political Power: Plato's *Apology, Crito* and *Republic*," Political Questions: Political Philosophy from Plato to Rawls, (hereafter *PQ*), (New York: Macmillan, 1987), chapter 1.

*The Closing of the American Mind*, (New York: Simon and Schuster, 1987), see the index under "*Republic (Plato)*".

***Questions:***

What is justice? How are nature, work, and virtue connected? How do Glaucon's and Adeimantus' questions in Book Two deepen the question? What does the Gyges' ring story imply about human nature? What happens to family life among the guardians? Can a human life flourish without families? In what kind of order is justice to be found? What is the connection between ethics and psychology? Does the idea of philosopher-king make sense?

**Week 3** *Wisdom and Politics*

***Primary Readings***

Plato, *Republic*, VI through X.

***Secondary Readings***

(Same as for Week 2.)

***Questions:***

What is the difference between the idea of the Good and God? What is the significance of imagery for the divided line (end Book Six) as a whole? Where would modern mathematical physics fit in the divided line? The cave is presented as an image of our education and want of education: how would you characterize our cave? Are "caves" dispensable? What practical conditions would be indispensable for rule by philosopher-kings? What is the quarrel between philosophy and poetry about? How does Plato's presentation of his philosophy in dramatic form square with his critique of imitation?

**Week 4** *By Nature A Political Animal*

***Primary Readings***

Aristotle, *Politics*; I (entire), 1252a1-1260b25; III, 1274b30-1288b6; IV, chapter 1, 1288b10-1289a 25; V, chapters 1 and 2, 1301a19-1302b4; VII, chapters 1-8, 1323a14-1328b23; chapters 13-15, 1331b23-1334b28; VIII, chapters 1-5, 1337a11-1340b19.

***Secondary Readings***

Harry V. Jaffa, "Aristotle," *HPP*, pp. 64-129.

Larry Arnhart, "Political Science as the Study of Regimes: Aristotle's *Politics*," PQ, chapter 2.

Stephen G. Salkever, "Aristotle's Social Science," *Political Theory* 9, Nov. 1981, pp. 479-508.

***Questions:***

What is the connection between human reason and politics? Does the distinction between the good man and the good citizen resolve the ethical problems of civil disobedience? How does the distinction between good men and good citizen avoid both relativism and fanaticism? How do the opinions about equality and inequality differ from what we call "ideologies?" The Greek title of Plato's *Republic*, *Politeia*, translated as "regime" and "constitution," refers to both the order of persons and the order of institutions in the political community. Does Aristotle's distinction between vulgar and liberal arts still make sense?

**Week 5** *Popular and Aristocratic Power*

***Primary Readings***

Abraham Lincoln, "On the Perpetuation of Our Political Institutions," Speech before the Young Men's Lyceum of Springfield, Jan. 27, 1838.

William Shakespeare, *Coriolanus*.

William Shakespeare, *Julius Caesar*.

John Alvis, *Publius 1804: A Play in Two Acts*, (about the duel between Aaron Burr and Alexander Hamilton), *The St. John's Review*, (Annapolis: St. John's College, 1986) Summer, 1985, Vol. XXXVI, No. 3.

***Secondary Readings***

Laurence Berns, "Lincoln's Perpetuation Speech," *Lincoln, The Gettysburg Address and American Constitutionalism*, ed, Leo Paul S. de Alvarez, (Irving, Texas: University of Dallas Press, 1976), pp. 7-13.

Harry V. Jaffa, "The Teaching Concerning Political Salvation," *Crisis of the House Divided*, (New York: Doubleday, 1959), chapter 9.

Paul Cantor, *Shakespeare's Rome: Republic and Empire*, (Ithaca: Cornell University Press, 1976), Part One, pp. 53-124.

Allan Bloom, "The Morality of the Pagan Hero: *Julius Caesar*," *Shakespeare's Politics*, (New York: Basic Books, 1964), pp. 75-112.

Jan H. Blits, *The End of the Ancient Republic: Essays on Julius Caesar*, (Durham: Carolina Academic Press, 1982).

***Questions:***

Why should our political institutions be perpetuated, according to Lincoln? Where is the chief danger? How can "political religion" meet the dangers? Why does Lincoln use the pronoun "It" to refer to the "towering genius," the "Caesar?" What are the differences between the citizens' and the Tribunes' understanding of "people" and Coriolanus' when he says, "your people, I love them as they weigh?" Should Rome take its character from the people or the nobles? How do the virtues and vices of the people, on the one hand, and those of the nobles, on the other,

affect the issue? Does Volumnia show in her speech on Honor and Policy in Act III, Scene 2, that she understands something Coriolanus does not understand? Is his answer "by my body's action, teach my mind a most inherent baseness" sufficient? Why is he so incensed by the charge "traitor?" Compare the opening scenes of *Coriolanus* and *Julius Caesar* carefully: distinguish Commons from Citizens. What are the primary focuses of loyalty, public spiritedness, in these scenes? Should Brutus be characterized as a political idealist, Cassius as a prudent calculator? Why do they fail? How should political purity, honor and prudence be related in this situation? Analyze Antony's funeral oration carefully. Weigh the power and moral worth of ambition, personal honor and long-range political principle in the actions of both Burr and Hamilton in political principle in *Publius 1804*. Should the question about who fired first affect the issue?

**Week 6** *Harmony and Tension Between Divine and Natural Law*

Moses Maimonides, *Guide* of the Perplexed, Book II, chapter 40, Trans. Shlomo Pines, (Chicago and London: University of Chicago Press, 1963), pp. 381-385.

Thomas Aquinas, "Treaties on Law," *Summa Theologica*, I-II, QQ. 90-97.

Francis Bacon, *The Great Instauration:* Proem, Epistle Dedicatory, Preface, The Plan of the Instauration; the opening part of the *The New Organon*. (The Organon is the name given to Aristotle's logical works.)

Francis Bacon, *The New Atlantis*.

Rene Descartes, *Discourse on Method*.

***Secondary Readings***

Ernest L. Fortin, "St. Thomas Aquinas," *HPP*, pp. 223-250.

Leo Strauss, "Natural Law," Secondary Reading 1, Week 1.

Larry Arnhart, "Natural Law: Thomas Aquinas' *Treatise on Law*," *PQ*, chapter 4; "Liberal Rationalism: Descartes' *Discourse on Method*," *PQ*, chapter 6.

Laurence Berns, "Francis Bacon and the Conquest of Nature," *Interpretation: A Journal of Political Philosophy*, Jan. 1978, pp. 1-26.

Richard Kennington, "Rene Descartes," *HPP*, pp. 395-414; "Descartes and Mastery of Nature," *Organism, Medicine and Metaphysics*, (Dordrecht: D. Reidel, 1978), pp. 201-223.

***Questions:***

The divergent demands of human nature set the political problem for Maimonides: natural sociability compelling men to live together while individual diversity drives them apart. How has "the wisdom of the deity" dealt with the problem? Distinguish the different kinds of rulers and legislators. Why are prophets classified under rulers and legislators? How does Aquinas distinguish the Eternal from the Divine Law? What is the relation between natural and human law, between morality and law? What is the significance of Aquinas' qualification of the Apostle Paul's statement in *Romans* 13:1 and 2? What form could civil disobedience take under Aquinas' scheme? The Great Instauration means the great renewal or renovation of the sciences. What are the chief errors of ancient science and their causes? Why are experiments necessary? Distinguish empiricism from experimentism. How can nature be both conquered and obeyed? In the scientific society of the future, The New Atlantis, how are science and religion related and organized? Does Descartes reject all traditional disciplines? What is the sense of "Provisional" in Descartes's idea of provisional morality? How does the proposition "I think, therefore I am" and the proof of the existence of God connect with Descartes' radical doubt? Is there a connection between conceiving of animals as machines and making ourselves "the masters and owners of nature" (Part VI)? What is the relation between ordinary experience and science according to Descartes?

**Week 7** *A New Science of Politics: Individual Rights-Social Contract*

***Primary Readings***

Thomas Hobbes, *The Citizen: Philosophic Rudiments Concerning Government and Society*.

Thomas Jefferson, Letter to Nehemiah Dodge and Others, Danbury Baptist Assoc., Jan. 1, 1802.

John Locke, *The Second Treatise of Government (Of Civil Government)* (The Limited Government and the consent of the Governed).

Thomas Jefferson, Letter to John Trumbull, Paris, Feb. 15, 1789.

***Secondary Readings***

Laurence Berns, "Thomas Hobbes," *HPP*, pp. 370-394.

Robert A. Goldwin, "John Locke," *HPP*, pp. 451-486.

Larry Arnhart, "Individual Rights and Limited Government: John Locke's *Second Treatise of Government*," *PQ*, chapter 8.

Leo Strauss, "Modern Natural Right: A. Hobbes, B. Locke," *Natural Right and History*, (Chicago: University of Chicago Press, 1953), chapter 5.

Judith A. Best, "The Innocent, the Ignorant and the Rational: the Content of Lockian Consent," *The*

*Crisis of Liberal Democracy: A Straussian Perspective*, (Albany: State University of New York Press, 1987), pp. 167-179, eds. Kenneth L. Deutsch and Walter Soffer.

***Questions:***

If society exists by virtue of a "contract," what is the implication for the sociality or non-sociality of the individuals making up the society? How does Hobbes conceive of the relations between thought, desire and will, between fear and natural right? What are the implications of Hobbes reduction of Aristotle's six forms of government to three? How does Hobbes distinguish sin from breaking the law? Which is primary for Locke, natural right or natural law? What is included in Locke's idea of property? How does "nature" fit into Locke's labor theory of value? How does Locke conceive of the relation between liberty and property? In what respects are all men by nature equal? Why is government limited and based on consent in Locke's scheme? What is a rebel, in the strictest sense of the word, according to Locke? Is there a right to revolution?

**Week 8** *American Colonials*

***Primary Readings***

Benjamin Franklin, *The Way to Wealth-Preface to Poor Richard Improved: 1758.*

Edmund Burke, Speech on Conciliation with the American Colonies.

Edmund Burke, Letter to the Electors of Bristol.

Zabdiel Adams, "An Election Sermon," Boston, 1782, *American Political Writing During the Founding Era*, eds. Charles S. Hyneman and Donald S. Lutz, (Indianapolis: Liberty Press, 1983), Vol. I, pp. 539-564.

***Secondary Readings***

Benjamin Franklin, *Autobiography*

***Questions:***

What notions of virtue underlie Poor Richard's "Way to Wealth?" Consider: " 'Tis hard for an empty bag to stand upright.' " What does a "free people" mean for Burke? Why does he separate the legal argument, the question of right, from the political argument? What made the Americans a free people, according to Burke? How does Burke distinguish between a delegate and a representative of constituents in Parliament? How does Adams interpret the passage from *Romans* 13:1 and 2? What are the extra-legal obligations of rulers? What are the chief objects of government, according to Adams? How does he understand the relation between government, religion and morality?

**Week 9** *American Political Principles and the Constitution*

***Primary Readings***

The Declaration of Independence.

The Constitution of the United States, especially the Preamble.

Alexander Hamilton, John Jay and James Madison, *The Federalist*, Nos. 1, 6, 9, 10, 14, 15, 23, 35, 37-39, 47, 49, 51, 55, (last paragraph), 57, 62, 63, 70-72, 78, 84.

Thomas Jefferson, Letter to John Adams, Oct. 28, 1813.

***Secondary Readings***

Harry V. Jaffa, "What is Equality? The Declaration of Independence Revisited," *The Conditions of Freedom: Essays in Political Philosophy*, (Baltimore: Johns Hopkins University Press, 1975), pp. 149-160.

George Anastaplo, "The Preamble," *The United States Constitution of 1787: A Commentary*, Loyola University of Chicago Law School Journal, Fall, 1986, pp. 31-42.

Mortimer J. Adler and William Gorman, *The American Testament*, (New York: Praeger, 1975), pp. 17-118.

Martin Diamond, "The Federalist," *HPP*, pp. 631-651.

"Ethics and Politics: The American Way," *The Moral Foundations of the American Republic*, ed. Robert Horwitz, (Charlottesville: University Press of Virginia, 1977), pp. 39-72.

Allan Bloom, "Introduction: Our Virtue," *The Closing of the American Mind*, Secondary Reading 3, Weeks 2-3, pp. 25-43.

***Questions:***

Does the Declaration declare on unqualified right of revolution? What is the significance of the Declaration's modification of Locke's "life, liberty and property" to "life, liberty and the pursuit of happiness?" What functions are attributed to God in the Declaration? Is the connection between justice and consent of the governed "self-evident?" What "people" ordained and established the Constitution? What are for the Federalist Papers the chief object of government? Can the causes of faction be removed? What is the chief defect of government under the Articles of Confederation? What does republican government presuppose about the character of the people? How does the discussion about angels and men (No. 51) and "the defect of beter motives" bear on the question of morality and government?

**Week 10** *The Democratic Way of Life*

***Primary Readings***

Alexis de Tocqueville, *Democracy in America*, Vol. I,

Preface, Introduction, chapters 2, 3, 5, 6, 14 (last 4 paragraphs), 15, 16; Vol. II, First Book, chapters 1-3, 5, 13-15; Second Book, chapters 1-15; Third Book, chapters 8-12; Fourth Book, chapters 6-8.

***Secondary Readings***

Marvin Zetterbaum, "Alexis de Tocqueville," *HPP*, pp. 715-736; *Tocqueville and the Problem of Democracy*, (Stanford: Stanford University Press, 1967).

Stephen G. Salkever, "The Crisis of Liberal Democracy: Liberality and Democratic Citizenship," Crisis of Liberal Democracy, Secondary Reading 5, Week 7, pp. 245-268.

John C. Koritansky, *Alexis de Tocqueville and the New Science of Politics: An Interpretation of Democracy in America*, (Durham: Carolina Academic Press, 1986).

***Questions:***

Why is democracy a "providential fact" for de Tocqueville? Why is combining equality with liberty problematic? What is the relation between social condition, manners, morals, customs, feelings, intellectual habits and political forms, according to de Tocqueville? How can mediocrity and individualism become political dangers? What should be done with aristocratic practices in democratic society? What is self-interest *rightly understood*? Why, according to de Tocqueville, is religion especially important for freedom in modern democracies?

**Week 11** *The Moral and Legal Dilemma of Slavery*

***Primary Readings***

Abraham Lincoln, Speeches: To the Voters of Sangamon County, March 9, 1832; Temperance Speech, (Washingtonians), Feb. 22, 1842; Peoria, Oct. 16, 1854; Chicago, Dec. 10, 1856; Dred Scott Case, June 26, 1857; House Divided, June 16, 1858; Cooper Union, Feb. 27, 1860; First Inaugural, March 4, 1861; Gettysburg Address, Nov. 19, 1863; Second Inaugural, March 4, 1865.

***Secondary Readings***

Herbert Storing, "Slavery and the Moral Foundations of the American Republic," *The Moral Foundations of the American Republic*, Secondary Reading 5, Week 9, pp. 214-233.

Don E. Fehrenbacher, "Slavery and Race in the American Constitutional System," "Expansion and Slavery in National Politics," *Slavery, Law and Politics: The Dred Scott Case in Historical Perspective*, (Oxford: Oxford University Press, 1981), chapters 1 and 2.

Harry V. Jaffa, *Crisis of the House Divided*, (Garden City: Doubleday, 1959).

Don E. Fehrenbacher, *Prelude to Greatness: Lincoln in the 1850's*, (Stanford: Stanford University Press, 1962).

Eva Brann, "A Reading of the Gettysburg Address," *Lincoln, The Gettysburg Address and American Constitutionalism*, pp. 15-53.

George Anastaplo, "American Constitutionalism and the Virtue of Prudence: Philadelphia, Paris, Washington, Gettysburg," *ibid.*, pp. 113-125.

Frederick Douglas, "Oration in Memory of Abraham Lincoln," April 14, 1876, on the occasion of the unveiling of the Freedmen's Monument, Lincoln Park, Washington, D.C.

***Questions:***

What does the Declaration's "all men are created equal" mean for Lincoln? Is it a moral principle? Why were the Dred Scott case and the Missouri Compromise so important in Lincoln's view? Is the guiding principle of American government a procedural principle, popular sovereignty, or is it an inalienable moral principle? How did Lincoln conceive of the relation between his moral principles and his constitutional duties as President? In his First Inaugural, in the sentence about "the only true sovereign of a free people," what is the significance of the word "deliberate?" Why does Lincoln refer to the Declaration's "self-evident truth" as a "proposition" in the Gettysburg Address? What do the styles of the Gettysburg Address and the Second Inaugural indicate about how Lincoln conceived of the relation between religion and politics?

**Week 12** *Freedom, Politics, and Religion*

***Primary Readings***

Benjamin Franklin, "Toleration in Old and New England," *The London Packet*, June 3, 1772.

Thomas Jefferson, A Bill for Establishing Religious Freedom, 1777.

James Madison, "Memorial and Remonstrance" to the General Assembly of Virginia against "A Bill Establishing Provisions for Teachers of the Christian Religion," 1785.

George Washington, Reply [on Religious Freedom] to the Hebrew Congregation of New Port, Rhode Island, Aug. 17, 1790.

George Washington, Farewell Address.

Benjamin Franklin, Letter on Religion, (probably to Thomas Paine), Philadelphia, July 3, 1786.

Abraham Lincoln, Religion and Politics, A Handbill, July 31, 1846.

***Secondary Readings***

Michael J. Malbin, "Religion, Liberty, and Law in the American Founding," AEI Reprint No. 123, June,

1981, American Enterprise Institute, 1150 17th St., N.W., Washington, D.C. 20036.

Harry V. Jaffa, "Theory and Practice in American Politics," *Equality and Liberty: Theory and Practice in American Politics*, (New York: Oxford University Press, 1965), pp. 114-139.

Eva T.H. Brann, "Madison's 'Memorial and Remonstrance,' A Model of American Eloquence," *The St. John's Review*, Summer 1981, pp. 55-73.

Walter Berns, "Religion and the Founding Principle," *The Moral Foundations of the American Republic*, pp. 157-182.

Supreme Court Cases: *Everson v. Board of Education*, 330 U.S. 1 18 (1947); *Lynch v. Donnely*, 465 U.S.— (1984). (Note Justice O'Connor's [concurring opinion] reformulation of "second prong" of Lemon Test.)

*Questions:*

If Jefferson and Madison can be called Separationists and Washington, Franklin and Lincoln Non-separationists, do these differences correspond with differences between non-believers and believers? What, according to Franklin, has brought the doctrine of toleration into the world? According to Washington (to the Hebrew Congregation in New Port, Rhode Island), what advances in religious freedom has the government of the United States made beyond the doctrine of toleration? How does the quote from Micah affect the message? Compare Jefferson's language about a wall of separation between Church and State with the language of the religious clause of the First Amendment. What is it that Washington and Franklin think most intellectuals misunderstand about non-intellectuals? How does Madison answer? Do free institutions presuppose a high level of morality in the people? Does *national* morality depend upon "religious principle?" Is this controversy resolvable?

## Thomas Aquinas, "Treatise on Law," *Summa Theologica*, I-II, Questions 90-97

### QUESTION 90. THE NATURE OF LAW

Here there are four points of inquiry:

1. whether law is a function of reason;
2. about its purpose;
3. its agent;
4. and its promulgation.

*article I. is law a function of mind?*

THE FIRST POINT: I. Law apparently is not a function of mind, since St. Paul says that *I see another law in my members, warring against the law of my mind.* What is mental does not enter into our members, for thought is not exercised through a physical organ. Hence law is not a function of reason.

2. Besides, in the reason there is but the faculty itself, a disposition it may have, or an activity. Law however, is not the very faculty, nor one of its dispositions, for these, as we have seen, are the intellectual virtues, nor an activity, for then it would lapse when reasoning is suspended, as during sleep. Law, therefore, does not belong to the reason.

3. Then also, law motions its subjects to act aright. Yet it has been stated that setting human activity into motion is properly the work of the will. Therefore law is the office of will rather than of mind; which accords with the words of the Jurist, *what has pleased the sovereign has the force of law.*

ON THE OTHER HAND the burden of law is to prescribe or prohibit. Such executive commanding issues from the reason, as already noted. Consequently law is a function of reason.

REPLY: Law is a kind of direction or measure for human activity through which a person is led to do something or held back. The word comes from *ligando*, because it is binding on how we should act. Now direction and measure come to human acts from reason, from which, as we have shown, they start. It is the function of reason to plan for an end, and this purpose, as Aristotle notes, is the original source of what we do. The originating principle in any class strikes the note for all there comprised, for instance the unit of calculation in a numerical system, or the first motion that sets going a derivative series of motions. We are left with the conclusion, then, that law is something that belongs to reason.

Hence: I. Taken as a rule and measure, law can be present in two manners, first, and this is proper to the reason, as in the ruling and measuring principle, and in this manner it is in the reason alone; second, as in the subject ruled and measured, and in this manner law is present wherever it communicates a tendency to something, which tendency can be called derivatively, though not essentially, a 'law'. The inclination to concupiscence of our physical parts in this sense is called 'the law of members'.

2. As with outward acts a distinction can be drawn between the doing and the deed, for instance the

actual work on a building and the work that is built, so also with the activities of reason the actual thinking, namely understanding and reasoning, and what is thought out, namely first a definition, next a proposition, and finally a syllogism or argument, can be considered apart. And because the practical reason makes use of a sort of syllogism in settling on a course of action, as already noted in accordance with the teaching of Aristotle, a proposition can be discerned which is to practice what a premise is to the conclusions the theoretic reason draws. General propositions of this type in the practical reason which bears on what has to be done have the character of law; sometimes they are actually adverted to, sometimes they are convictions held merely as habits of mind.

3. The reason gets its motive force from the will, as we have shown. For it is because a person wills an end that his reason effectively governs arrangements to bring it about. To have the quality of law in what is so commanded the will must be ruled by some reason, and the maxim, *the prince's will has the force of law*, has to be understood with that proviso, otherwise his will would make for lawlessness rather than law.

*article 2. is law always ordained to the common good?*

THE SECOND POINT: I. Not always, it would seem, is the common good the shaping purpose of law. For it is the office of law to prescribe and prohibit. Such precepts are aimed at the individual good. Consequently the purpose of law is not always the common good.

2. Moreover, law directs man in his actions. These, however, are always about particular matters. Hence law also is for the sake of particular benefit.

3. Furthermore, Isidore remarks that *if law is founded on reason, then law will be all that stands to reason.* Now reason stands for what is for the good of the private individual as well as of the community. Therefore law is not only ordered to the common good but to private individual good as well.

ON THE OTHER HAND there is Isidore saying, *law is enacted for no private benefit, but for the common service of citizens.*

REPLY: To be a principle of human acts, as we have said, is part of the nature of law, since it is for them a rule and measure. As their beginning lies in the reason, so also one phase of its activity is the start of what follows; this first and foremost is where law comes in. Now the deeds we perform, these being the concern of the practical reason, all originate from our last end. We have shown that the last end of human living is happiness or well-being. Consequently law is engaged above all with the plan of things for human happiness.

Again, since the subordination of part to whole is that of incomplete to rounded-off reality, and since a human individual man is part of the full life of the community, it must needs be that law properly speaking deals with this subordination to a common happiness. Thus Aristotle, having explained what he means by 'legal', mentions the happiness of the body politic when he says in the *Ethics* that *we call those acts legally just that tend to produce and preserve happiness and its components for the political community*, the perfect community, according to the *Politics*, being the State.

When we speak of 'a-most-of-all' in any class of things then it is the principle and centre of reference for them all, as fire, for instance, which is the hottest thing of all, is the cause of heat in bodies mixed with other elements, and they are called hot in so far as they share its nature. And since we speak of law most of all in terms of the common good, it follows that any other precept about more particular business will not have the nature of law except in so far as it enters into this plan for the common good.

Therefore every law is shaped to the common good.

Hence: I. A precept implies a decisive application to the matters which law regulates. These include individual ends, for the plan for the common good, which is the concern of law, really has to come down to them. That is why precepts are given in certain particular cases.

2. Human activities indeed always take place in particular situations; these, however, are relevant to the common good—common here involves acting for a universal final cause, not coming under a general classification according to genus or species. Common good spells common end.

3. For the theoretic reason nothing is established unless it can be taken back to indemonstrable first principles, likewise for the practical reason nothing is established unless it can be taken on to our ultimate end, which is the common good. Whatever stands to reason in this manner has an essential quality of law.

*article 3. can anybody legislate?*

THE THIRD POINT: I. It seems that anybody's reason can make law. St. Paul says, *When the Gentiles, who have not the law, do by nature the things contained in it, these are a law unto themselves.* He is speaking of everybody without exception. Therefore anybody can make a law for himself.

2. In addition, Aristotle says that *a lawmaker's wish is to lead men into virtue.* This anybody can do. Hence any man's reason can pass a law.

3. Then also, as a prince is governor of the State so a head of the family is governor of the household. But a sovereign can legislate for the State. So also

can any head of the family do the same for his household.

ON THE OTHER HAND Isidore says, and he is repeated in the *Decretum*, that *law is a constitution of the people in which those of high birth sanction something in conjunction with the commonalty.* Consequently to make law is not for anybody.

REPLY: The chief and main concern of law properly so called is the plan for the common good. The planning is the business of the whole people or of their vicegerent. Therefore to make law is the office of the entire people or of the public personage who has care of them. For, as elsewhere to plan for an end belongs to the power matching that end.

Hence: I. As already observed, law is present not only in the ruling principle but derivatively as well in the subject ruled. In this last manner each is a law unto himself, in so far as he enters into the plan of the governing authority. So St. Paul goes on to say that people show *the work of the law written in their hearts.*

2. A private person can persuade, yet he cannot effectively bring another to virtue, for if his advice is not taken he lacks the force, such as a law should possess, to compel good conduct; this is noted by Aristotle. This coercive strength resides in the people or public figure who personifies them; such authority can inflict penalties, as will be shown, and to it, therefore, the making of law is reserved.

3. As a human being is part of a household so a household is part of a state, which, according to Aristotle, is the complete community. And as one individual's good is not an ultimate end, since it is subordinate to the common good, so the good of a household is subordinate to the good of a political community. Consequently the ruler of a family can issue precepts and standing orders, nevertheless these are not such as to possess the nature of law properly so called.

*article 4. is promulgation essential to law?*

THE FOURTH POINT: I. It would seem that promulgation is not essential to law. For natural law, which is law in the fullest sense of the word, needs no promulgation. This, therefore, is not essential to law.

2. Besides, to render obligatory the doing or not doing of some action is proper to law. Yet not only those in whose presence a law is promulgated are under this obligation but others as well. Therefore promulgation is not of the very nature of law.

3. Moreover, the obligation of law extends even to the future, for, as the *Laws* declare, they *impose a necessity on future transactions.* Promulgation, however, is to people who are present. Hence it is not an indispensable condition of law.

ON THE OTHER HAND the *Decretum* states that *laws are instituted when they are promulgated.*

REPLY: It has been already noted that law is laid on subjects to serve as a rule and measure. This means that it has to be brought to bear on them. Hence to have binding force, which is an essential property of a law, it has to be applied to the people it is meant to direct. This application comes about when their attention is drawn to it by the fact of promulgation. Hence this is required for a measure to possess the force of law.

To sum up, from the four foregoing discussions the following definition can be gathered. Law is nought else than an ordinance of reason for the common good made by the authority who has care of the community and promulgated.

Hence: I. Natural law is promulgated by God's so instilling it into men's minds that they can know it because of what they really are.

2. Those who are not present when a law is promulgated are obliged to its observance in that, given the fact of promulgation, the law is or can be brought to their attention by others.

3. Promulgation in the present stretches into the future through being perpetuated in a written code, which, as it were, ensures a lasting promulgation. Accordingly Isidore etymologizes, *law (lex) gets its name from reading (legendo), because it is written down.*

## Washington's Letter to the Hebrew Congregations of Philadelphia, New York, Charleston and Richmond, December, 1700

### TO THE HEBREW CONGREGATIONS OF PHILADELPHIA, NEW YORK, CHARLESTON AND RICHMOND

Gentlemen: The liberal sentiment towards each other which marks every political and religious denomination of men in this country stands unrivalled in the history of nations. The affection of such people is a treasure beyond the reach of calculation; and the repeated proofs which my fellow

citizens have given of their attachment to me, and approbation of my doings form the purest source of my temporal felicity. The affectionate expressions of your address again excite my gratitude, and receive my warmest acknowledgements.

The power and goodness of the Almighty were strongly manifested in the events of our late glorious revolution, and his kind interposition in our behalf has been no less visible in the establishment of our present equal government. In war he directed the sword and in peace he has ruled in our councils, my agency in both has been guided by the best intentions, and a sense of the duty which I owe my country: and as my exertions hitherto have been amply rewarded by the approbation of my fellow-citizens, I shall endeavor to deserve a continuance of it by my future conduct. . . .

## *The Papers of James Madison* (Excerpts)

### TO THE HONORABLE THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF VIRGINIA A MEMORIAL AND REMONSTRANCE

We the subscribers, citizens of the said Commonwealth, having taken into serious consideration, a Bill printed by order of the last Session of General Assembly, entitled "A Bill establishing a provision for Teachers of the Christian Religion," and conceiving that the same if finally armed with the sanctions of a law, will be a dangerous abuse of power, are bound as faithful members of a free State to remonstrate against it, and to declare the reasons by which we are determined. We remonstrate against the said Bill,

1. Because we hold it for a fundamental and undeniable truth, "that Religion or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence." The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable, because the opinions of men, depending only on the evidence contemplated by their own minds cannot follow the dictates of other men: It is unalienable also, because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage and such only as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society. Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governour of the Universe: And if a member of Civil Society, who enters into any subordinate Association, must always do it with a reservation of his duty to the General Authority; much more must every man who becomes a member of any particular Civil Society, do it with a saving of his allegiance to the Universal Sovereign. We maintain therefore that in matters of Religion, no mans right is abridged by the institution of Civil Society and that Religion is wholly exempt from its cognizance. True it is, that no other rule exists, by which any question which may divide a Society, can be ultimately determined, but the will of the majority; but it is also true that the majority may trespass on the rights of the minority.

2. Because if Religion be exempt from the authority of the Society at large, still less can it be subject to that of the Legislative Body. The latter are but the creatures and vicegerents of the former. Their jurisdiction is both derivative and limited: it is limited with regard to the co-ordinate departments, more necessarily is it limited with regard to the constituents. The preservation of a free Government requires not merely, that the metes and bounds which separate each department of power be invariably maintained; but more especially that neither of them be suffered to overleap the great Barrier which defends the rights of the people. The Rulers who are guilty of such an encroachment, exceed the commission from which they derive their authority, and are Tyrants. The People who submit to it are governed by laws made neither by themselves nor by an authority derived from them, and are slaves.

3. Because it is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of Citizens, and one of the noblest characteristics of the late Revolution. The free men of America did not wait till usurped power had strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We revere this lesson too much soon to forget it. Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in

exclusion of all other Sects? that the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?

4. Because the Bill violates that equality which ought to be the basis of every law, and which is more indispensible, in proportion as the validity or expediency of any law is more liable to be impeached. If "all men are by nature equally free and independent," all men are to be considered as entering into Society on equal conditions; as relinquishing no more, and therefore retaining no less, one than another, of their natural rights. Above all are they to be considered as retaining an "*equal* title to the free exercise of Religion according to the dictates of Conscience." Whilst we assert for ourselves a freedom to embrace, to profess and to observe the Religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offence against God, not against man: To God, therefore, not to man, must an account of it be rendered. As the Bill violates equality by subjecting some to peculiar burdens, so it violates the same principle, by granting to others peculiar exemptions. Are the Quakers and Menonists the only sects who think a compulsive support of their Religions unnecessary and unwarrantable? Can their piety alone be entrusted with the care of public worship? Ought their Religions to be endowed above all others with extraordinary privileges by which proselytes may be enticed from all others? We think too favorably of the justice and good sense of these denominations to believe that they either covet pre-eminences over their fellow citizens or that they will be seduced by them from the common opposition to the measure.

5. Because the Bill implies either that the Civil Magistrate is a competent Judge of Religious Truth; or that he may employ Religion as an engine of Civil policy. The first is an arrogant pretension falsified by the contradictory opinions of Rulers in all ages, and throughout the world: the second an unhallowed perversion of the means of salvation.

6. Because the establishment proposed by the Bill is not requisite for the support of the Christian Religion. To say that it is, is a contradiction to the Christian Religion itself, for every page of it disavows a dependence on the powers of this world: it is a contradiction to fact; for it is known that this Religion both existed and flourished, not only without the support of human laws, but in spite of every opposition from them, and not only during the period of miraculous aid, but long after it had been left to its own evidence and the ordinary care of Providence. Nay, it is a contradiction in terms; for a Religion not invented by human policy, must have pre-existed and been supported, before it was established by human policy. It is moreover to weaken in those who profess this Religion a pious confidence in its innate excellence and the patronage of its Author; and to foster in those who still reject it, a suspicion that its friends are too conscious of its fallacies to trust it to its own merits.

7. Because experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation. During almost fifteen centuries has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the Clergy, ignorance and servility in the laity, in both, superstition, bigotry and persecution. Enquire of the Teachers of Christianity for the ages in which it appeared in its greatest lustre; those of every sect, point to the ages prior to its incorporation with Civil policy. Propose a restoration of this primitive State in which its Teachers depended on the voluntary rewards of their flocks, many of them predict its downfall. On which Side ought their testimony to have greatest weight, when for or when against their interest?

8. Because the establishment in question is not necessary for the support of Civil Government. If it be urged as necessary for the support of Civil Government only as it is a means of supporting Religion, and it be not necessary for the latter purpose, it cannot be necessary for the former. If Religion be not within the cognizance of Civil Government how can its legal establishment be necessary to Civil Government? What influence in fact have ecclesiastical establishments had on Civil Society? In some instances they have been seen to erect a spiritual tyranny on the ruins of the Civil authority; in many instances they have been seen upholding the thrones of political tyranny: in no instance have they been seen the guardians of the liberties of the people. Rulers who wished to subvert the public liberty, may have found an established Clergy convenient auxiliaries. A just Government instituted to secure & perpetuate it needs them not. Such a Government will be best supported by protecting every Citizen in the enjoyment of his Religion with the same equal hand which protects his person and his property; by neither invading the equal rights of any Sect, nor suffering any Sect to invade those of another.

9. Because the proposed establishment is a departure from that generous policy, which, offering an Asylum to the persecuted and oppressed of every Nation and Religion, promised a lustre to our country, and an accession to the number of citizens. What a melancholy mark is the Bill of sudden degeneracy?

Instead of holding forth an Asylum to the persecuted, it is itself a signal of persecution. It degrades from the equal rank of Citizens all those whose opinions in Religion do not bend to those of the Legislative authority. Distant as it may be in its present form from the Inquisition, it differs from it only in degree. The one is the first step, the other the last in the career of intolerance. The magnanimous sufferer under this cruel scourge in foreign Regions, must view the Bill as a Beacon on our Coast, warning him to seek some other haven, where liberty and philanthrophy in their due extent, may offer a more certain repose from his Troubles.

10. Because it will have a like tendency to banish our Citizens. The allurements presented by other situations are every day thinning their number. To superadd a fresh motive to emigration by revoking the liberty which they now enjoy, would be the same species of folly which has dishonoured and depopulated flourishing kingdoms.

11. Because it will destroy that moderation and harmony which the forbearance of our laws to intermeddle with Religion has produced among its several sects. Torrents of blood have been spilt in the old world, by vain attempts of the secular arm, to extinguish Religious discord, by proscribing all difference in Religious opinion. Time has at length revealed the true remedy. Every relaxation of narrow and rigorous policy, wherever it has been tried, has been found to assuage the disease. The American Theatre has exhibited proofs that equal and compleat liberty, if it does not wholly eradicate it, sufficiently destroys its malignant influence on the health and prosperity of the State. If with the salutary effects of this system under our own eyes, we begin to contract the bounds of Religious freedom, we know no name that will too severely reproach our folly. At least let warning be taken at the first fruits of the threatened innovation. The very appearance of the Bill has transformed "that Christian forbearance, love and charity," which of late mutually prevailed, into animosities and jealousies, which may not soon be appeased. What mischiefs may not be dreaded, should this enemy to the public quiet be armed with the force of a law?

12. Because the policy of the Bill is adverse to the diffusion of the light of Christianity. The first wish of those who enjoy this precious gift ought to be that it may be imparted to the whole race of mankind. Compare the number of those who have as yet received it with the number still remaining under the dominion of false Religions; and how small is the former! Does the policy of the Bill tend to lessen the disproportion? No; it at once discourages those who are strangers to the light of revelation from coming into the Region of it; and countenances by example the nations who continue in darkness, in shutting out those who might convey it to them. Instead of Levelling as far as possible, every obstacle to the victorious progress of Truth, the bill with an ignoble and unchristian timidity would circumscribe it with a wall of defence against the encroachments of error.

13. Because attempts to enforce by legal sanctions, acts obnoxious to so great a proportion of Citizens, tend to enervate the laws in general, and to slacken the bands of Society. If it be difficult to execute any law which is not generally deemed necessary or salutary, what must be the case, where it is deemed invalid and dangerous? And what may be the effect of so striking an example of impotency in the Government, on its general authority?

14. Because a measure of such singular magnitude and delicacy ought not to be imposed, without the clearest evidence that it is called for by a majority of citizens, and no satisfactory method is yet proposed by which the voice of the majority in this case may be determined, or its influence secured. "The people of the respective counties are indeed requested to signify their opinion respecting the adoption of the Bill to the next Session of Assembly." But the representation must be made equal, before the voice either of the Representatives or of the Counties will be that of the people. Our hope is that neither of the former will, after due consideration, espouse the dangerous principle of the Bill. Should the event disappoint us, it will still leave us in full confidence, that a fair appeal to the latter will reverse the sentence against our liberties.

15. Because finally, "the equal right of every citizen to the free exercise of his Religion according to the dictates of conscience" is held by the same tenure with all our other rights. If we recur to its origin, it is equally the gift of nature; if we weigh its importance, it cannot be less dear to us; if we consult the "Declaration of those rights which pertain to the good people of Virginia, as the basis and foundation of Government," it is enumerated with equal solemnity, or rather studied emphasis. Either then, we must say, that the Will of the Legislature is the only measure of their authority; and that in the plenitude of this authority, they may sweep away all our fundamental rights; or, that they are bound to leave this particular right untouched and sacred: Either we must say, that they may control the freedom of the press, may abolish the Trial by Jury, may swallow up the Executive and Judiciary Powers of the State; nay that they may despoil us of our very right of suffrage, and erect themselves into an independent and hereditary Assembly or, we must say, that they have no authority to enact into law the Bill under consideration. We the Subscribers say, that the General Assembly of this

Commonwealth have no such authority: And that no effort may be omitted on our part against so dangerous an usurpation, we oppose to it, this remonstrance; earnestly praying, as we are in duty bound, that the Supreme Lawgiver of the Universe, by illuminating those to whom it is addressed, may on the one hand, turn their Councils from every act which would affront his holy prerogative, or violate the trust committed to them: and on the other, guide them into every measure which may be worthy of his [blessing, may redound to their own praise, and may establish more firmly the liberties, the prosperity and the happiness of the Commonwealth.

**Francis Bacon, "The New Atlantis," *The Moral and Historical Works of Lord Francis Bacon*, Joseph Dewey ed., (George Bell and Sons, 1890)**

## NEW ATLANTIS

## A WORK UNFINISHED

### TO THE READER

This fable my lord devised, to the end that he might exhibit therein a model or description of a college, instituted for the interpreting of nature, and the producing of great and marvellous works for the benefit of man, under the name of Solomon's House, or the College of the Six Days' Works. And even so far his lordship hath proceeded as to finish that part. Certainly the model is more vast and high than can possibly be imitated in all things, notwithstanding most things therein are within men's power to effect. His lordship thought also in this present fable to have composed a frame of laws, or of the best state or mould of a commonwealth; but foreseeing it would be a long work, his desire of collecting the natural history diverted him, which he preferred many degrees before it. RAWLEY

### NEW ATLANTIS

We sailed from Peru, where we had continued for the space of one whole year, for China and Japan, by the South Sea, taking with us victuals for twelve months, and had good winds from the east, though soft and weak, for five months' space and more; but then the wind came about, and settled in the west for many days, so as we could make little or no way, and were sometimes in purpose to turn back. But then again there arose strong and great winds from the south, with a point east, which carried us up, for all that we could do, towards the north; by which time our victuals failed us, though we had made good spare of them. So that, finding ourselves in the midst of the greatest wilderness of waters in the world, without victuals, we gave ourselves for lost men, and prepared for death. Yet we did lift up our hearts and voices to God above, "who showeth his wonders in the deep," beseeching him of his mercy, that as in the beginning he discovered the face of the deep, and brought forth dry land, so he would now discover land to us, that we might not perish. And it came to pass that the next day about evening we saw, within a kenning before us, towards the north, as it were, thicker clouds, which did put us in some hope of land; knowing how that part of the South Sea was utterly unknown, and might have islands or continents that hitherto were not come to light. Wherefore we bent our course thither, where we saw the appearance of land all that night; and in the dawning of the next day we might plainly discern that it was a land flat to our sight, and full of boscage, which made it show the more dark: and after an hour and a half's sailing we entered into a good haven, being the port of a fair city, not great indeed, but well built, and that gave a pleasant view from the sea. And we, thinking every minute long till we were on land, came close to the shore, and offered to land; but straightways we saw divers of the people with batons in their hands, as it were forbidding us to land, yet without any cries or fierceness, but only as warning us off by signs that they made. Whereupon, being not a little discomforted, we were advising with ourselves what we should do. During which time there made forth to us a small boat with about eight persons in it, whereof one of them had in his hand a tipstaff of a yellow cane, tipped at both ends with blue, who made aboard our ship without any show of distrust at all. And when he saw one of our number present himself somewhat afore the rest, he drew forth a little scroll of parchment, somewhat yellower than our parchment, and shining like the leaves of writing-tables, but otherwise soft and flexible, and delivered it to our foremost man. In which scroll were written, in ancient Hebrew, and in ancient Greek, and in good Latin of the school, and in Spanish, these words, "Land ye not, none of you, and provide to be gone from this coast within sixteen days, except you have

further time given you: meanwhile, if you want fresh water, or victual, or help for your sick, or that your ship needeth repair, write down your wants, and you shall have that which belongeth to mercy." This scroll was signed with a stamp of cherubim's wings, not spread, but hanging downwards, and by them a cross. This being delivered, the officer returned, and left only a servant with us to receive our answer. Consulting hereupon amongst ourselves, we were much perplexed. The denial of landing, and hasty warning us away, troubled us much. On the other side, to find that the people had languages, and were so full of humanity, did comfort us not a little; and, above all, the sign of the cross to that instrument was to us a great rejoicing, and, as it were, a certain presage of good. Our answer was in the Spanish tongue, "That for our ship it was well, for we had rather met with calms and contrary winds than any tempests. For our sick, they were many, and in very ill case, so that if they were not permitted to land, they ran in danger of their lives." Our other wants we set down in particular, adding, "That we had some little store of merchandise, which, if it pleased them to deal for, it might supply our wants without being chargeable unto them." We offered some reward in pistolets unto the servant, and a piece of crimson velvet to be presented to the officer; but the servant took them not, nor would scarce look upon them; and so left us, and went back in another little boat which was sent for him.

About three hours after we had despatched our answer, there came towards us a person, as it seemed, of place. He had on him a gown, with wide sleeves of a kind of water-camlet, of an excellent azure colour, far more glossy than ours; his under-apparel was green, and so was his hat, being in the form of a turban, daintily made, and not so huge as the Turkish turbans; and the locks of his hair came down below the brims of it. A reverend man was he to behold. He came in a boat, gilt in some part of it, with four persons more only in that boat, and was followed by another boat, wherein were some twenty. When he was come within a flight-shot of our ship, signs were made to us that we should send forth some to meet him upon the water: which we presently did in our ship's boat, sending the principal man amongst us, save one, and four of our number with him. When we were come within six yards of their boat, they called to us to stay, and not to approach further, which we did. And thereupon the man whom I before described stood up, and with a loud voice, in Spanish, asked, "Are ye Christians?" We answered, "We were;" fearing the less because of the cross we had seen in the subscription. At which answer the said person lifted up his right hand towards heaven, and drew it softly to his mouth, which is the gesture they use when they thank God, and then said, "If you will swear, all of you, by the merits of the Saviour, that ye are no pirates, nor have shed blood, lawfully or unlawfully, within forty days past, you may have license to come on land." We said, "We were all ready to take that oath." Whereupon one of those that were with him, being, as it seemed, a notary, made an entry of this act. Which done, another of the attendants of the great person, who was with him in the same boat, after his lord had spoken a little to him, said aloud, "My lord would have you know that it is not of pride or greatness that he cometh not aboard your ship; but for that in your answer you declare that you have many sick amongst you, he was warned by the conservator of health of the city that he should keep at a distance." We bowed ourselves towards him, and answered, "We were his humble servants; and accounted for great honour and singular humanity towards us that which was already done; but hoped well that the nature of the sickness of our men was not infectious." So he returned; and a while after came the notary to us aboard our ship, holding in his hand a fruit of that country, like an orange, but of colour between orange-tawny and scarlet, which casts a most excellent odour: he used it, as it seemeth, for a preservative against infection. He gave us our oath, "By the name of Jesus and his merits;" and after told us, that the next day by six o'clock in the morning we should be sent to, and brought to the Strangers' House, so he called it, where we should be accommodated of things both for our whole and for our sick. So he left us; and when we offered him some pistolets, he, smiling, said, "He must not be twice paid for one labour;" meaning, as I take it, that he had salary sufficient of the state for his service; for, as I after learned, they call an officer that taketh rewards "twice paid."

The next morning early there came to us the same officer that came to us at first with his cane, and told us, "He came to conduct us to the Strangers' House, and that he had prevented the hour, because we might have the whole day before us for our business: for," said he, "if you will follow my advice, there shall first go with me some few of you and see the place, and how it may be made convenient for you; and then you may send for your sick, and the rest of your number, which ye will bring on land." We thanked him, and said, "That this care which he took of desolate strangers God would reward." And so six of us went on land with him; and when we were on land he went before us, and turned to us, and said, "He was but our servant and our guide." He led us through three fair streets, and all the way we went there were gathered some people on both sides, standing in a row, but in so civil a fashion, as if it had been not

to wonder at us, but to welcome us; and divers of them, as we passed by them, put their arms a little abroad, which is their gesture when they bid any welcome. The Strangers' House is a fair and spacious house, built of brick, of somewhat a bluer colour than our brick, and with handsome windows, some of glass, some of a kind of cambric oiled. He brought us first into a fair parlour above-stairs, and then asked us, "What number of persons we were, and how many sick?" We answered, "We were in all, sick and whole, one-and-fifty persons, whereof our sick were seventeen." He desire us to have patience a little, and to stay till he came back to us, which was about an hour after; and then he led us to see the chambers which were provided for us, being in number nineteen. They having cast it, as it seemeth, that four of those chambers, which were better than the rest, might receive four of the principal men of our company, and lodge them alone by themselves; and the other fifteen chambers were to lodge us, two and two together. The chambers were handsome and cheerful chambers, and furnished civilly. Then he led us to a long gallery, like a dortoir, where he showed us all along the one side (for the other side was but wall and window) seventeen cells, very neat ones, having partitions of cedar-wood. Which gallery and cells, being in all forty, many more than we needed, were instituted as an infirmary for sick persons. And he told us withal, that as any of our sick waxed well, he might be removed from his cell to a chamber; for which purpose there were set forth ten spare chambers, besides the number we spake of before. This done, he brought us back to the parlour, and lifting up his cane a little, as they do when they give any charge of command, said to us, "Ye are to know, that the custom of the land requireth that after this day and to-morrow, which we give you for removing your people from your ship, you are to keep within doors for three days. But let it not trouble you, nor do not think yourselves restrained, but rather left to your rest and ease. You shall want nothing; and there are six of our people appointed to attend you for any business you may have abroad." We gave him thanks with all affection and respect, and said, "God surely is manifested in this land." We offered him also twenty pistolets; but he smiled, and only said, "What, twice paid?" and so he left us.

Soon after our dinner was served in, which was right good viands, both for bread and meat, better than any collegiate diet that I have known in Europe. We had also drink of three sorts, all wholesome and good; wine of the grape, a drink of grain, such as is with us our ale, but more clear; and a kind of cider made of a fruit of that country, a wonderful pleasing and refreshing drink. Besides, there were brought in to us great store of those scarlet oranges for our sick, which, they said, were an assured remedy for sickness taken at sea. There was given us also a box of small grey or whitish pills, which they wished our sick should take, one of the pills every night before sleep, which, they said, would hasten their recovery.

The next day, after that our trouble of carriage and removing of our men and goods out of our ship was somewhat settled and quiet, I thought good to call our company together, and when they were assembled said unto them, "My dear friends, let us know ourselves, and how it standeth with us. We are men cast on land, as Jonas was out of the whale's belly, when we were as buried in the deep. And now we are on land, we are but between death and life; for we are beyond both the Old World and new; and whether ever we shall see Europe God only knoweth: it is a kind of miracle hath brought us hither, and it must be little less that shall bring us hence. Therefore, in regard of our deliverance past, and our danger present and to come, let us look up to God, and every man reform his own ways. Besides, we are come here amongst a Christian people, full of piety and humanity; let us not bring that confusion of face upon ourselves as to show our vices or unworthiness before them. Yet there is more; for they have by commandment, though in form of courtesy, cloistered us within these walls for three days: who knoweth whether it be not to take some taste of our manners and conditions; and if they find them bad, to banish us straightways; if good, to give us further time? For these men that they have given us for attendance may withal have an eye upon us. Therefore for God's love, and as we love the weal of our souls and bodies, let us so behave ourselves as we may be at peace with God, and may find grace in the eyes of this people." Our company with one voice thanked me for my good admonition, and promised me to live soberly and civilly, and without giving any the least occasion of offence. So we spent our three days joyfully, and without care, in expectation what would be done with us when they were expired; during which time we had every hour joy of the amendment of our sick, who thought themselves cast into some divine pool of healing, they mended so kindly and so fast.

The morrow after our three days were past, there came to us a new man that we had not seen before, clothed in blue as the former was, save that his turban was white, with a small red cross on the top; he had also a tippet of fine linen. At his coming in he did bend to us a little, and put his arms abroad. We of our parts saluted him in a very lowly and submissive manner, as looking that from him we should receive sentence of life or death. He desired to speak with some few of us; whereupon six of us only stayed, and

the rest avoided the room. He said, "I am by office governor of this House of Strangers, and by vocation I am a Christian priest; and therefore am come to you to offer you my service both as strangers, and chiefly as Christians. Some things I may tell you, which I think you will not be unwilling to hear. The state hath given you license to stay on land for the space of six weeks. And let it not trouble you if your occasions ask further time, for the law in this point is not precise; and I do not doubt but myself shall be able to obtain for you such further time as shall be convenient. Ye shall also understand that the Strangers'House is at this time rich and much aforehand, for it hath laid up revenue these thirty-seven years; for so long it is since any stranger arrived in this part. And, therefore, take ye no care, the state will defray you all the time you stay, neither shall you stay one day less for that. As for any merchandise you have brought, ye shall be well used, and have your return either in merchandise, or in gold and silver; for to us it is all one. And if you have any other request to make, hide it not, for ye shall find we will not make your countenance to fall by the answer ye shall receive. Only this I must tell you, that none of you must go above a karan [that is with them a mile and a half] from the walls of the city without special leave." We answered after we had looked awhile upon one another, admiring this gracious and parent-like usage, "That we could not tell what to say, for we wanted words to express our thanks, and his noble free offers left us nothing to ask. It seemed to us that we had before us a picture of our salvation in heaven; for we that were awhile since in the jaws of death, were not brought into a place where we found nothing but consolations. For the commandment laid upon us, we would not fail to obey it, though it was impossible but our hearts should be inflamed to tread further upon this happy and holy ground." We added, "That our tongues should first cleave to the roofs of our mouths ere we should forget either this reverend person, or this whole nation in our prayers." We also must humbly besought him to accept of us as his true servants, by as just a right as ever men on earth were bounden, laying and presenting both our persons and all we had at his feet. He said, "He was a priest, and looked for a priest's reward, which was our brotherly love, and the good of our souls and bodies." So he went from us, not without tears of tenderness in his eyes; and left us also confused with joy and kindness, saying amongst ourselves, "That we were come into a land of angels which did appear to us daily, and present us with comforts which we thought not of, much less expected."

The next day, about ten o'clock, the governor came to us again, and after salutations said familiarly, "That he was come to visit us," and called for a chair, and sat him down: and being some ten of us (the rest were of the meaner sort, or else gone abroad), sat down with him. And when we were seated, he began thus, "We of this island of Bensalem [for so they call it in their language] have this, that by means of our solitary situation, and the laws of secrecy which we have for our travellers, and our rare admission of strangers, we know well most part of the habitable world, and are ourselves unknown. Therefore, because he that knoweth least is fittest to ask questions, it is more reason, for the entertainment of the time, that ye ask me questions than that I ask you." We answered, "That we humbly thanked him that he would give us leave so to do, and that we conceived, by the taste we had already, that there was no worldly thing on earth more worthy to be known than the state of that happy land. But above all," we said, "since that we were met from the several ends of the world, and hoped assuredly that we should meet one day in the kingdom of heaven, for that we were both parts Christians, we desired to know, in respect that land was so remote, and so divided by vast and unknown seas from the land where our Saviour walked on earth, who was the apostle of that nation, and how it was converted to the faith?" It appeared in his face that he took great contentment in this our question. He said, "Ye knit my heart to you by asking this question in the first place, for it showeth that you 'first seek the kingdom of heaven;' and I shall gladly and briefly satisfy your demand:—

"About twenty years after the ascension of our Saviour, it came to pass that there was seen by the people of Renfusa, a city upon the neastern coast of our island, within night &the night was cloudy and calm), as it might be some miles in the sea, a great pillar of light, not sharp, but in form of a column or cylinder, rising from the sea, a great way up towards heaven, and on the top of it was seen a large cross of light, more bright and resplendent than the body of the pillar: upon which so strange a spectacle the people of the city gathered apace together upon the sands to wonder, and so after put themselves into a number of small boats to go nearer to this marvellous sight. But when the boats were come within about sixty yards of the pillar, they found themselves all bound, and could go no further, yet so as they might move to go about, but might not approach nearer; so as the boats stood all as in a theatre, beholding this light as a heavenly sign. It so fell out that there was in one of the boats of the wise men of the Society of Solomon's House (which house or college, my good brethren, is the very eye of this kingdom), who having a while attentively and devoutly viewed and contemplated this pillar and cross, fell

down upon his face, and then raised himself upon his knees, and lifting up his hands to heaven, made his prayers in this manner:—

" 'Lord God of heaven and earth, thou hast vouchsafed of thy grace to those of our order to know thy works of creation, and true secrets of them, and to discern (as far as appertaineth to the generations of men) between divine miracles, works of nature, works of art, and impostures and illusions of all sorts! I do here acknowledge and testify before this people, that the thing we now see before our eyes is thy finger and a true miracle. And forasmuch as we learn in our books that thou never workest miracles but to a divine and excellent end (for the laws of nature are thine own laws, and thou exceedest them not but upon good cause), we most humbly beseech thee to prosper this great sign, and to give us the interpretation and use of it in mercy, which thou dost in some part secretly promise by sending it unto us.'

"When he had made his prayer, he presently found the boat he was in moveable and unbound, whereas all the rest remained still fast; and taking that for an assurance of leave to approach, he caused the boat to be softly and with silence rowed towards the pillar: but ere he came near it, the pillar and cross of light brake up, and cast itself abroad, as it were, into a firmament of many stars; which also vanished soon after, and there was nothing left to be seen but a small ark of chest of cedar, dry, and not wet at all with water, though it swam; and in the fore-end of it, which was towards him, grew a small green branch of palm. And when the wise man had taken it with all reverence into his boat, it opened of itself, and there was found in it a book and a letter, both written in fine parchment, and wrapped in sindons of linen. The book contained all the canonical books of the Old and New Testament, according as you have them (for we know well what the churches with you receive), and the Apocalypse itself; and some other books of the New Testament which were not at that time written, were nevertheless in the book. And for the letter, it was in these words:—

" 'I, Bartholomew, a servant of the Highest, and apostle of Jesus Christ, was warned by an angel that appeared to me in a vision of glory, that I should commit this ark to the floods of the sea. Therefore I do testify and declare unto that people where God shall ordain this ark to come to land, that in the same day is come unto them salvation, and peace, and goodwill from the Father, and from the Lord Jesus.'

"There were also in both these writings, as well the book as the letter, wrought a great miracle, conformable to that of the apostles in the original gift of tongues. For there being at that time in this land Hebrews, Persians, and Indians, besides the natives, every one read upon the book and letter as if they had been written in his own language. And thus was this land saved from infidelity, as the remain of the old world was from water, by an ark, through the apostolical and miraculous evangelism of St. Bartholomew." And here he paused, and a messenger came and called him forth from us. So this was all that passed in that conference.

The next day the same governor came again to us immediately after dinner, and excused himself, saying, "That the day before he was called from us somewhat abruptly, but now he would make us amends, and spend some time with us, if we held his company and conference agreeable." We answered, "That we held it so agreeable and pleasing to us, as we forgot both dangers past and fears to come, for the time we heard him speak, and that we thought an hour spent with him was worth years of our former life." He bowed himself a little to us, and after we were set again he said, "Well, the questions are on your part." One of our number said, after a little pause, "There was a matter we were no less desirous to know than fearful to ask, lest we might presume too far; but encouraged by his rare humanity towards us, that we could scarce think ourselves strangers, being his vowed and professed servants, we would take the hardiness to propound it; humbly beseeching him, if he thought it not fit to be answered, that he would pardon it, though he rejected it." We said, "We well observed those his words which he formerly spake, that this happy island where we now stood was known to few, and yet knew most of the nations of the world; which we found to be true, considering they had the languages of Europe, and knew much of our state and business; and yet we in Europe, notwithstanding all the remote discoveries and navigations of this last age, never heard any of the least inkling or glimpse of this island. This we found wonderful strange, for that all nations have interknowledge one of another, either by voyage into foreign parts, or by strangers that come to them: and though the traveller into a foreign country doth commonly know more by the eye than he that stayeth at home can by relation of the traveller, yet both ways suffice to make a mutual knowledge in some degree on both parts. But for this island, we never heard tell of any ship of theirs that had been seen to arrive upon any shore of Europe, no, nor of either the East or West Indies, nor yet of any ship of any other part of the world that had made return from them. And yet the marvel rested not in this, for the situation of it, as his lordship said, in the secret conclave of such a vast sea, might cause it: but then, that they should have knowledge of the languages, books, affairs of those that lie such a distance from them, it was a thing

we could not tell what to make of; for that it seemed to us a condition and property of divine powers and beings, to be hidden and unseen to others, and yet to have others open and as in a light to them." At this speech the governor gave a gracious smile, and said, "That we did well to ask pardon for this question we now asked, for that it imported as if we thought this land a land of magicians, that sent forth spirits of the air into all parts to bring them news and intelligence of other countries." It was answered by us all in all possible humbleness, but yet with a countenance taking knowledge that we knew that he spake it but merrily, "That we were apt enough to think there was somewhat supernatural in this island, but yet rather as angelical than magical. But to let his lordship know truly what it was that made us tender and doubtful to ask this question, it was not any such conceit, but because we remembered he had given a touch in his former speech, that this land had laws of secrecy touching strangers." To this he said, "You remember it right: and therefore in that I shall say to you, I must reserve some particulars, which it is not lawful for me to reveal; but there will be enough left to give you satisfaction.

"You shall understand, that which perhaps you will scarce think credible, that about three thousand years ago, or somewhat more, the navigation of the world, especially for remote voyages, was greater than at this day. Do not think with yourselves that I know not how much it is increased with you within these six-score years; I know it well: and yet I say, greater than than now. Whether it was that the example of the ark that saved the remnant of men from the universal deluge, gave men confidence to adventure upon the waters, or what it was, but such is the truth. The Phenicians, and especially the Tyrians, had great fleets; so had the Carthaginians their colony, which is yet further west. Toward the east the shipping of Egypt and of Palestina was likewise great; China also, and the great Atlantis, that you call America, which have now but junks and canoes, abounded then in tall ships. This island, as appeareth by faithful registers of those times, had then fifteen hundred strong ships of great content. Of all this there is with you sparing memory, or none; but we have large knowledge thereof.

"At that time, this land was known and frequented by the ships and vessels of all the nations before named, and, as it cometh to pass, they had many times men of other countries that were no sailors that came with them; as Persians, Chaldeans, Arabians; so as almost all nations of might and fame resorted hither, of whom we have some stirps and little tribes with us at this day. And for our own ships, they went sundry voyages, as well to your straits, which you call the Pillars of Hercules, as to other parts in the Atlantic and Mediterranean seas; as to Pegu, which is the same with Cambalu, and Quinsay upon the Oriental seas, as far as to the borders of East Tartary.

"At the same time, and an age after or more, the inhabitants of the great Atlantis did flourish. For though the narration and description which is made by a great man, with you, of the descendants of Neptune planted there, and of the magnificent temple, palace, city, and hill, and the manifold streams of goodly navigable rivers, which, as so many chains, environed the same site and temple, and the several degrees of ascent, whereby men did climb up to the same, as if it had been a *scala coeli*, be all poetical and fabulous; yet so much is true, that the said country of Atlantis, as well as that of Peru, then called Coya, as that of Mexico, then named Tyrambel, were mighty and proud kingdoms in arms, shipping, and riches; so mighty, as at one time, or at least within the space of ten years, they both made two great expeditions; they of Tyrambel through the Atlantic to the Mediterranean Sea, and they of Coya, through the South Sea, upon this our island. And for the former of these, which was into Europe, the same author amongst you, as it seemeth, had some relation from the Egyptian priest whom he citeth, for assuredly such a thing there was. But whether it were the ancient Athenians that had the glory of the repulse and resistance of those forces, I can say nothing; but certain it is, there never came back either ship or man from that voyage. Neither had the other voyage of those of Coya upon us had better fortune, if they had not met with enemies of greater clemency. For the king of this island, by name Altabin, a wise man and a great warrior, knowing well both his own strength and that of his enemies, handled the matter so, as he cut off their land-forces from their ships, and entoiled both their navy and their camp with a greater power than theirs, both by sea and land, and compelled them to render themselves without striking stroke; and after they were at his mercy, contenting himself only with their oath that they should no more bear arms against him, dismissed them all in safety. But the Divine revenge overtook not long after those proud enterprises; for within less than the space of one hundred years, the great Atlantis was utterly lost and destroyed, not by a great earthquake, as your man saith, for that whole tract is little subject to earthquakes, but by a particular deluge or inundation, those countries having at this day far greater rivers, and far higher mountains to pour down waters, than any part of the old world. But it is true, that the same inundation was not deep; not past forty foot in most places from the ground: so that although it destroyed man and beast generally, yet some few wild

inhabitants of those wood escaped. Birds also were saved by flying to the high trees and woods. For as for men, although they had buildings in many places higher than the depth of the water, yet that ununda-tion, though it were shallow, had a long continuance, whereby they of the vale that were not drowned, perished for want of food, and other things necessary. So as marvel you not at the thin population of America, nor at the rudeness and ignorance of the people; for you must account your inhabitants of America as a young people, younger a thousand years at the least than the rest of the world, for that there was so much time between the universal flood and their particular inundation. For the poor remnant of human seed which remained in their mountains, peopled the country again slowly by little and little; and being simple and a savage people, not like Noah and his sons, which was the chief family of the earth, they were not able to leave letters, arts, and civility to their posterity. And having likewise, in their moun-tainous habitations, been used, in respect of the ex-treme cold of those regions, to clothe themselves with the skins of tigers, bears, and great hairy goats that they have in those parts; when, after they came down into the valley, and found the intolerable heats which are there, and knew no means of lighter apparel, they were forced to begin the custom of going naked, which continueth at this day: only they take great pride and delight in the feathers of birds; and this also they took from those their ancestors of the mountains, who were invited unto it by the infinite flight of birds that came up to the high grounds while the waters stood below. So you see by this main acci-dent of time we lost our traffic with the Americans, with whom, of all others, in regard they lay nearest to us, we had most commerce. As for the other parts of the world, it is most manifest that in the ages fol-lowing, whether it were in respect of wars, or by a natural revolution of time, navigation did everywhere greatly decay, and especially far voyages, then rather by the use of galleys and such vessels as could hardly brook the ocean, were altogether left and omitted. So then, that part of the intercourse which could be from other nations to sail to us, you see how it hath long since ceased, except it were by some rare accident, as this of yours. But now of the cessation of that other part of intercourse, which might be by our sailing to other nations, I must yield you some other cause; for I cannot say, if I shall say truly, but our shipping for number, strength, mariners, pilots, and all things that appertain to navigation, is as great as ever; and therefore why we should sit at home I shall now give you an account by itself, and it will draw nearer to give you satisfaction to your principal question.

"There reigned in this island, about one thousand nine hundred years ago, a king, whose memory of all others we most adore, not superstitiously, but as a divine instrument, though a mortal man: his name was Solomona, and we esteem him as the lawgiver of our nation. This king had a large heart, inscrutable for good, and was wholly bent to make his kingdom and people happy. He therefore, taking into considera-tion how sufficient and substantive this land was to maintain itself without any aid at all of the foreigner, being five thousand six hundred miles in circuit, and of rare fertility of soil in the greatest part thereof; and finding also the shipping of this country might be plentifully set on work, both by fishing and by trans-portations from port to port, and likewise by sailing unto some small islands that are not far from us, and are under the crown and laws of this state, and re-calling into his memory the happy and flourishing estate wherein this land then was, so as it might be a thousand ways altered to the worse, but scarce any one way to the better; thought nothing wanted to his noble and heroical intentions, but only, as far as human foresight might reach, to give perpetuity to that which was in his time so happily established; therefore amongst his other fundamental laws of this kingdom he did ordain the interdicts and prohibitions which we have touching the entrance of strangers, which at that time, though it was after the calamity of America, was frequent; doubting novelties and commixture of manners. It is true, the like law against the admission of strangers without license is an an-cient law in the kingdom of China, and yet continued in use; but there it is a poor thing, and hath made them a curious, ignorant, fearful, foolish nation. But our lawgiver made his law of another temper. For, first, he hath preserved all points of humanity, in taking order and making provision for the relief of strangers distressed, whereof you have tested." At which speech, as reason was, we all rose up and bowed ourselves. He went on. "That king also—still desiring to join humanity and policy together, and thinking it against humanity to detain strangers here against their wills, and against policy, that they should return and discover their knowledge of this state, he took this course. He did ordain, that of the strangers that should be permitted to land, as many, at all times, might depart as would, but as many as would stay should have very good conditions and means to live from the state. Wherein he saw so far, that now in so many ages since the prohibition, we have memory not of one ship that ever returned, and but of thirteen persons only at several times that chose to return in our bottoms. What those few that returned may have reported abroad, I know not; but you must think, whatsoever they have said could be taken where they came but for a dream. Now for our travelling from

hence into parts abroad, our lawgiver thought fit altogether to restrain it. So is it not in China, for the chinese sail where they will, or can; which showeth that their law of keeping out strangers is a law of pusillanimity and fear. But this restraint of ours hath one only exception, which is admirable, preserving the good which cometh by communicating with strangers, and avoiding the hurt; and I will now open it to you. And here I shall seem a little to digress, but you will, by-and-by, find it pertinent. You shall understand, my dear friends, that amongst the excellent acts of that king, one above all hath the preeminence; it was the erection and institution of an order or society, which we call Solomon's House, the noblest foundation, as we think, that ever was upon the earth, and the lantern of this kingdom. It is dedicated to the study of the works and creatures of God. Some think it beareth the founder's name a little corrupted, as if it should be Solomona's House; but the records write it as it is spoken. So as I take it to be denominate of the king of the Hebrews, which is famous with you, and no stranger to us, for we have some parts of his works which with you are lost; namely, that natural history which he wrote of all plants, 'from the cedar of Lebanon to the moss that groweth out of the wall,' and of all things that have life and motion. This maketh me think that our king, finding himself to symbolize in many things with that king of the Hebrews which lived many years before him, honoured him with the title of this foundation. And I am the rather induced to be of this opinion, for that I find in ancient records this order or society is sometimes called Solomon's House, and sometimes the College of the Six Days' Works; whereby I am satisfied that our excellent king had learned from the Hebrews that God had created the world, and all that therein is, within six days, and therefore he instituting that house for the finding out of the true nature of all things, whereby God might have the more glory in the workmanship of them, and men the more fruit in their use of them, did give it also that second name. But now, to come to our present purpose. When the king had forbidden to all his people navigation in any part that was not under his crown, he made nevertheless this ordinance, that every twelve years there should be set forth out of this kingdom two ships appointed to several voyages; that in either of these ships there should be a mission of three of the fellows or brethren of Solomon's House, whose errand was only to give us knowledge of the affairs and state of those countries to which they were designed, and especially of the sciences, arts, manufactures, and inventions of all the world; and withal to bring unto us books, instruments, and patterns in every kind: that the ships, after they had landed the brethren, should return, and that the brethren should stay abroad till the new mission. The ships are not otherwise fraught than with store of victuals, and good quantity of treasure, to remain with the brethren for the buying of such things and rewarding of such persons as they should think fit. Now for me to tell you, how the vulgar sort of mariners are contained from being discovered at land, and how they that must be put on shore for any time, colour themselves under the names of other nations, and to what places these voyages have been designed, and what places of rendezvous are appointed for the new missions, and the like circumstances of the practice, I may not do it, neither is it much to your desire. But thus you see we maintain a trade, not for gold, silver, or jewels, nor for silks, nor for spices, nor any other commodity of matter, but only for God's first creature, which was light; to have light, I say, of the growth of all parts of the world."

And when he had said this he was silent, and so were we all; for indeed we were all astonished to hear so strange things so probably told. And he, perceiving that we were willing to say somewhat, but had it not ready, in great courtesy took us off, and descended to ask us questions of our voyage and fortunes; and in the end concluded, that we might do well to think with ourselves what time of stay we would demand of the state; and bade us not to scant ourselves, for he would procure such time as we desired. Whereupon we all rose up, and presented ourselves to kiss the skirt of his tippet; but he would not suffer us, and so took his leave. But when it came once amongst our people, that the state used to offer conditions to strangers that would stay, we had work enough to get any of our men to look to our ship, and to keep them from going presently to the governor to crave conditions; but with much ado we refrained them, till we might agree what course to take.

We took ourselves now for free men, seeing there was no danger of our utter perdition, and lived most joyfully, going abroad, and seeing what was to be seen in the city and places adjacent within our tedder, and obtaining acquaintance with many of the city, not of the meanest quality, at whose hands we found such humanity, and such a freedom and desire to take strangers as it were into their bosom, as was enough to make us forget all that was dear to us in our own countries; and continually we met with many things right worthy of observation and relation; as indeed, if there be a mirror in the world worthy to hold men's eyes, it is that country. One day there were two of our company bidden to a feast of the family, as they call it; a most natural, pious, and reverend custom it is, showing that nation to be compounded of all goodness. This is the manner of it: it is granted to

any man that shall live to see thirty persons descended of his body alive together, and all above three years old, to make this feast, which is done at the cost of the state. The father of the family, whom they call the tirsan, two days before the feast, taketh to him three of such friends as he liketh to choose, and is assisted also by the governor of the city or place where the feast is celebrated; and all the persons of the family of both sexes are summoned to attend him. These two days the tirsan sitteth in consultation concerning the good estate of the family. There, if there be any discord or suits between any of the family, they are compounded and appeased; there, if any of the family be distressed or decayed, order is taken for their relief, and competent means to live; there, if any be subject to vice or take ill courses, they are reproved and censured. So likewise, direction is given touching marriages, and the courses of life which any of them should take, with divers other the like orders and advices. The governor assisteth to the end, to put in execution by his public authority the decrees and orders of the tirsan, if they should be disobeyed, though that seldom needeth, such reverence and obedience they give to the order of nature. The tirsan doth also then ever choose one man from amongst his sons to live in house with him, who is called ever after the son of the vine: the reason will hereafter appear. On the feast-day, the father or tirsan cometh forth, after divine service, into a large room where the feast is celebrated, which room hath an half-pace at the upper end. Against the wall, in the middle of the half-pace, is a chair placed for him, with a table and carpet before it: over the chair is a state made round or oval, and it is of ivy; an ivy somewhat whiter than ours, like the leaf of a silver asp, but more shining, for it is green all winter. And the state is curiously wrought with silver and silk of divers colours, broiding or binding in the ivy, and is ever of the work of some of the daughters of the family, and veiled over at the top with a fine net of silk and silver: but the substance of it is true ivy, whereof, after it is taken down, the friends of the family are desirous to have some leaf or sprig to keep. The tirsan cometh forth with all his generation or lineage, the males before him, and the females following him. And if there be a mother from whose body the whole linage is descended, there is a traverse placed in a loft above on the right hand of the chair, with a private door, and a carved window of glass, leaded with gold and blue, where she sitteth, but is not seen. When the tirsan is come forth, he sitteth down in the chair, and all the lineage place themselves against the wall, both at his back, and upon the return of the half-pace, in order of their years, without difference of sex, and stand upon their feet. When he is set, the room being always full of company, but well kept, and without disorder, after some pause there cometh in from the lower end of the room a taratan, which is as much as an herald, and on either side of him two young lads, whereof one carrieth a scroll of their shining yellow parchment, and the other a cluster of grapes of gold, with a long foot or stalk; the herald and children are clothed with mantles of sea-water green satin, but the herald's mantle is streamed with gold, and hath a train. Then the herald, with three courtesies, or rather inclinations, cometh up as far as the half-pace, and there first taketh into his hand the scroll. This scroll is the king's charter, containing gift of revenue, and many privileges, exemptions, and points of honour granted to the father of the family; and it is every styled and directed, to such an one, our well-beloved friend and creditor, which is a title proper only to this case; for they say, the king is debtor to no man, but for propagation of his subjects. The seal set to the king's charter is the king's image, embossed or moulded in gold. And though such charters be expedited of course, and as of right, yet they are varied by discretion, according to the number and dignity of the family. This charter the herald readeth aloud; and while it is read, the father or tirsan standeth up, supported by two of his sons, such as he chooseth. Then the herald mounteth the half-pace, and delivereth the charter into his hand, and with that there is an acclamation by all that are present, in their language, which is thus much, "Happy are the people of Bensalem." Then the herald taketh into his hand from the other child the cluster of grapes, which is of gold, both the stalk and the grapes, but the grapes are daintily enamelled; and if the males of the family be the greater number, the grapes are enamelled purple, with a little sun set on the top; if the females, then they are enamelled into a greenish yellow, with a crescent on the top. The grapes are in number as many as there are descendants of the family. This golden cluster the herald delivereth also to the tirsan, who presently delivereth it over to that son that he had formerly chosen to be in house with him, who beareth it before his father, as an ensign of honor when he goeth in public ever after, and is thereupon called the son of the vine. After this ceremony ended, the father or tirsan retireth, and after some time cometh forth again to dinner, where he sitteth alone under the state as before; and none of his descendants sit with him, of what degree or dignity soever, except he hap to be of Solomon's House. He is served only by his own children, such as are male, who perform unto him all service of the table upon the knee, and the women only stand about him, leaning against the wall. The room below his half-pace hath tables on the sides for the guests that are bidden, who are

served with great and comely order; and toward the end of dinner, which in the greatest feasts with them lasteth never above an hour and a half, there is a hymn sung, varied according to the invention of him that composed it, for they have excellent poetry, but the subject of it is always the praises of Adam, and Noah, and Abraham whereof the former two peopled the world, and the last was the father of the faithful: concluding ever with a thanksgiving for the nativity of our Saviour, in whose birth the births of all are only blessed. Dinner being done, the tirsan retireth again, and having withdrawn himself alone into a place where he maketh some private prayers, he cometh forth the third time to give the blessing, with all his descendants, who stand about him as at the first. Then he calleth them forth one by one, by name, as he pleaseth, though seldom the order of age be inverted. The person that is called, the table being before removed, kneeleth down before the chair, and the father layeth his hand upon his head, or her head, and giveth the blessing in these words: "Son of Bensalem, or daughter of Bensalem, thy father saith it, the man by whom thou hast breath and life speaketh the word; the blessing of the everlasting Father, the Prince of Peace, and the Holy Dove be upon thee, and make the days of thy pilgrimage good and many." This he saith to every of them: and that done, if there be any of his sons of eminent merit and virtue, so they be not above two, he calleth for them again, and sayeth, laying his arm over their shoulders, they standing, "Sons, it is well you are born; give God the praise, and persevere to the end:" and withal delivereth to either of them a jewel, made in the figure of an ear of wheat, which they ever after wear in the front of their turban or hat. This done, they fall to music and dances, and other recreations after their manner, for the rest of the day. This is the full order of that feast.

By that time six or seven days were spent, I was fallen into strait acquaintance with a merchant of that city, whose name was Joabin: he was a Jew, and circumcised, for they have some few stirps of Jews yet remaining among them, whom they leave to their own religion, which they may the better do, because they are of a far different disposition from the Jews in other parts. For whereas they hate the name of Christ, and have a secret inbred rancour against the people among whom they live; these contrariwise give unto our Saviour many high attributes, and love the nation of Bensalem extremely. Surely this man of whom I speak, would ever acknowledge that Christ was born of a virgin, and that he was more than a man; and he would tell how God made him ruler of the seraphims which guard his throne: and they call him also the Milken Way, and the Eliah of the Messiah, and many other high names; which, though they be inferior to his Divine Majesty, yet they are far from the language of other Jews. And for the country of Bensalem, this man would make no end of commending it, being desirous, by tradition among the Jews there, to have it believed, that the people thereof were of the generations of Abraham by another son, whom they call Nachoran; and that Moses by a secret cabala ordained the laws of Bensalem, which they now use; and that when the Messiah should come and sit in his throne at Jerusalem, the king of Bensalem should sit at his feet, whereas other kings should keep at a great distance. But yet, setting aside these jewish dreams, the man was a wise man and learned, and of great policy, and excellently seen in the laws and customs of that nation. Amongst other discourses, one day I told him, I was much affected with the relation I had from some of the company, of their custom in holding the feast of the family, for that methought I had never heard of a solemnity wherein nature did so much preside. And because propagation of families proceedeth from the nuptial copulation, I desired to know of him what laws and customs they had concerning marriage, and whether they kept marriage well, and whether they were tied to one wife. For that where population is so much affected, and such as with them it seemed to be, there is commonly permission of plurality of wives. To this he said, "You have reason to commend that excellent institution of the feast of the family; and indeed we have experience that those families that are partakers of the blessings of that feast do flourish and prosper ever after in an extraordinary manner. But hear me now, and I will tell you what I know. You shall understand that there is not under the heavens so chaste a nation as this of Bensalem, nor so free from all pollution or foulness; it is the virgin of the world. I remember I have read in one of your European books, of an holy hermit amongst you that desired to see the spirit of fornication, and there appeared to him a little foul ugly Ethiop. But if he had desired to see the spirit of chastity of Bensalem, it would have appeared to him in the likeness of a fair beautiful cherubim; for there is nothing amongst mortal men more fair and admirable than the chaste minds of this people. Know, therefore, that with them there are no stews, no dissolute houses, no courtezans, nor anything of that kind; nay, they wonder with detestation at you in Europe which permit such things. They say you have put marriage out of office; for marriage is ordained a remedy for unlawful concupiscence, and natural concupiscence seemeth as a spur to marriage: but when men have at hand a remedy more agreeable to their corrupt will, marriage is almost expulsed. And therefore there are with

you seen infinite men that marry not, but choose rather a libertine and impure single life than to be yoked in marriage; and many that do marry, marry late, when the prime and strength of their years is past; and when they do marry, what is marriage to them but a very bargain, wherein is sought alliance, or portion, or reputation, with some desire almost indifferent of issue, and not the faithful nuptial union of man and wife that was first instituted. Neither is it possible that those that have cast away so basely so much of their strength, should greatly esteem children, being of the same matter, as chaste men do. So neither during marriage is the case much amended, as it ought to be if those things were tolerated only for necessity. No, but they remain still as a very affront to marriage; the haunting of those dissolute places, of resort to courtezans, is no more punished in married men than in bachelors: and the depraved custom of change, and the delight in meretricious embracements, where sin is turned into art, maketh marriage a dull thing, and a kind of imposition or tax. They hear you defend these things as done to avoid greater evils, as advoutries, deflowering of virgins, unnatural lust, and the like: but they say this is a preposterous wisdom, and they call it Lot's offer, who, to save his guests from abusing, offered his daughters. Nay, they say further, that there is little gained in this, for that the same vices and appetites do still remain and abound, unlawful lust being like a furnace, that if you stop the flames altogether, it will quench, but if you give it any vent, it will rage. As for masculine love, they have no touch of it; and yet there are not so faithful and inviolate friendships in the world again as are there: and to speak generally, as I said before, I have not read of any such chastity in any people as theirs. And their usual saying is, what whosoever is unchaste cannot reverence himself. And they say, that the reverence of a man's self is, next to religion, the chiefest bridle of all vices." And when he had said this, the good Jew paused a little. Whereupon I, far more willing to hear him speak on than to speak myself, yet thinking it decent that upon his pause of speech I should not be altogether silent, said only this, "That I would say to him as the widow of Sarepta said to Elias, that he was come to bring to memory our sins; and that I confess the righteousness of Bensalem was greater than the righteousness of Europe." At which speech he bowed his head, and went on in this manner: "They have also many wise and excellent laws touching marriage. They allow no polygamy. They have ordained that none do intermarry or contract until a month be past from their first interview. Marriage without consent of parents they do not make void, but they mulct it in the inheritors; for the children of such marriages are not admitted to inherit above a third part of their parents' inheritance. I have read in a book of one of your men of a feigned commonwealth, where the married couple are permitted, before they contract, to see one another naked. This they dislike, for they think it a scorn to give a refusal after so familiar knowledge: but because of many hidden defects in men and women's bodies, they have a more civil way; for they have near every town a couple of pools, which they call Adam and Eve's pools, where it it permitted to one of the friends of the man, and another of the friends of the woman to see them severally bathe naked."

And as we were thus in conference, there came one that seemed to be a messenger, in a rich huke, that spake with the Jew; whereupon, he turned to me, and said, "You will pardon me, for I am commanded away in haste."

The next morning he came to me again, joyful, as it seemed, and said, "There is word come to the governor of the city, that one of the fathers of Solomon's House will be here this day seven-night; we have seen none of them this dozen years. His coming is in state, but the cause of his coming is secret. I will provide you and your fellows of a good standing to see his entry." I thanked him, and told him, "I was most glad of the news."

The day being come, he made his entry. He was a man of middle stature and age, comely of person, and had an aspect as if he pitied men. He was clothed in a robe of fine black cloth, with wide sleeves and a cape: his under-garment was of excellent white linen down to the foot, girt with a girdle of the same, and a sindon or tippet of the same about his neck: he had gloves that were curious, and set with stone, and shoes of peach-coloured velvet; his neck was bare to the shoulders: his hat was like a helmet or Spanish montera, and his locks curled below it decently,—they were of colour brown: his beard was cut round, and of the same colour with his hair, somewhat lighter. He was carried in a rich chariot, without wheels, litterwise, with two horses at either end, richly trapped in blue velvet, embroidered, and two footmen on either side in the like attire. The chariot was all of cedar, gilt, and adorned with crystal, save that the fore-end had panels of sapphires set in borders of gold, and the hinder end the like of emeralds of the Peru colour. There was also a sun of gold, radiant upon the top, in the midst; and on the top before a small cherub of gold, with wings displayed The chariot was covered with cloth of gold, tissued upon blue. He had before him fifty attendants, young men all, in white satin loose coats up to the mid-leg, and stockings of white silk, and shoes of blue velvet, and hats of blue velvet, with fine plumes of divers colours set round

like hatbands. Next before the chariot went two men bareheaded, in linen garments down to the foot, girt, and shoes of blue velvet, who carried the one a crosier, the other a pastoral staff, like a sheep-hook: neither of them of metal, but the crosier of balm-wood, the pastoral staff of cedar. Horsemen he had none, neither before nor behind his chariot, as it seemeth, to avoid all tumult and trouble. Behind his chariot went all the officers and principals of the companies of the city. He sat alone upon cushions of a kind of excellent plush, blue, and under his foot curious carpets of silk of divers colours, like the Persian, but far finer. He held up his bare hand as he went, as blessing the people, but in silence. The street was wonderfully well kept; so that there was never any army had their men stand in better battle-array than the people stood. The windows likewise were not croded, but every one stood in them as if they had been placed. When the show was past, the Jew said to me, "I shall not be able to attend you as I would, in regard of some charge the city hath laid upon me, for the entertaining of this great person."

Three days after, the Jew came to me again, and said, "Ye are happy men! for the father of Solomon's House taketh knowledge of your being here, and commanded me to tell you, that he will admit all your company to his presence, and have private conference with one of you that ye shall choose; and for this hath appointed the next day after to-morrow. And, because he meaneth to give you his blessing, he hath appointed it in the forenoon."

We came at our day and hour, and I was chosen by my fellows for the private access. We found him in a fair chamber, richly hung, and carpeted underfoot, without any degrees to the state. He was seated upon a low throne, richly adorned, and a rich cloth of state over his head, of blue satin, embroidered. He was alone, save that he had two pages of honour, on either hand, one finely attired in white. His undergarments were the like that we saw him wear in the chariot; but instead of his gown, he had on him a mantle, with a cape of the same fine black, fastened about him. When we came in, as we were taught, we bowed low at our first entrance: and when we were come near his chair, he stood up, holding forth his hand ungloved, and in posture of blessing; and we every one of us stooped down and kissed the hem of his tippet. That done, the rest departed, and I remained. Then he warned the pages forth of the room, and caused me to sit down beside him, and spake to me thus in the Spanish tongue:—

"God bless thee, my son, I will give thee the greatest jewel I have; for I will impart unto thee, for the love of God and men, a relation of the true state of Solomon's House. Son, to make you know the true state of Solomon's House, I will keep this order:—first, I will set forth unto you the end of our foundation; secondly, the preparations and instruments we have for our works; thirdly, the several employments and functions whereto our fellows are assigned; and fourthly, the ordinances and rites which we observe.

"The end of our foundation is the knowledge of causes and secret motions of things, and the enlarging of the bounds of human empire, to the effecting of all things possible.

"The preparations and instruments are these. We have large and deep caves of several depths: the deepest are sunk six hundred fathoms, and some of them are digged and made under great hills and mountains; so that if you reckon together the depth of the hill and the depth of the cave, they are (some of them) above three miles deep: for we find that the depth of a hill and the depth of a cave from the flat is the same thing, both remote alike from the sun and heaven'e beams and from the open air. These caves we call 'the lower region,' and we use them for all coagulations, indurations, refrigerations, and conservations of bodies. We use them likewise for the imitation of natural mixtures, and the producing also of new artificial metals, compositions and materials which we use and lay there for many years. We use them also sometimes (which may seem strange) for curing of some diseases, and for prolongation of life in some hermits that choose to live there, well accommodated of all things necessary, and, indeed, live very long; by whom also we learn many things.

"We have burials in several earths, where we put divers cements, as the Chinese do their porcelain; but we have them in greater variety, and some of them finer. We also have great variety of composts and soils for making of the earth fruitful.

"We have high towers, the highest about half a mile in height, and some of them likewise set upon high mountains; so that the advantage of the hill with the tower is, in the highest of them, three miles at least. And these places we call the upper region, accounting the air between the high places and the low as a middle region. We use these towers, according to their several heights and situations, for insolation, refrigeration, conservation, and for the view of divers meteors; as winds, rain, snow, hail, and some of the fiery meteors also. And upon them, in some places, are dwellings of hermits, whom we visit sometimes, and instruct what to observe.

"We have great lakes, both salt and fresh, whereof we have use for the fish and fowl. We use them also for burials of some natural bodies; for we find a difference in things buried in earth, or in air below the earth, and things buried in water. We have also pools of which some do strain fresh water out of salt, and

others by art do turn fresh water into salt. We have also some rocks in the midst of the sea, and some bays upon the shore for some works wherein are required the air and vapour of the sea. We have likewise violent streams and cataracts, which serve us for many motions; and likewise engines for multiplying and enforcing of winds, to set also agoing divers motions.

"We have also a number of artificial wells and fountains, made in imitation of the natural sources and baths; as tincted upon vitriol, sulphur, steel, brass, lead, nitre, and other minerals. And again, we have little wells for infusions of many things, where the waters take the virtue quicker and better than in vessels or basins. And amongst them we have a water which we call 'water of paradise,' being by that we do to it made very sovereign for health and prolongation of life.

"We have also great and spacious houses, where we imitate and demonstrate meteors, as snow, hail, rain, some artificial rains of bodies, and not of water, thunders, lightnings; also generations of bodies in air, as frogs, flies, and divers others.

"We have also certain chambers, which we call 'chambers of health,' where we qualify the air, as we think good and proper for the cure of divers diseases, and preservation of health.

"We have also fair and large baths, of several mixtures for the cure of diseases, and the restoring of man's body from arefaction; and others for the confirming of it in strength of sinews, vital parts, and the very juice and substance of the body.

"We have also large and various orchards and gardens, wherein we do not so much respect beauty as variety of ground and soil, proper for divers trees and herbs; and some very spacious, where trees and berries are set, whereof we make divers kinds of drinks, besides the vineyards. In these we practice likewise all conclusions of grafting and inoculating, as well of wild trees as fruit-trees, which produceth many effects. And we make, by art, in the same orchards and gardens, trees and flowers to come earlier or later than their seasons, and to come up and bear more speedily than by their natural course they do; we make them also, by art, much greater than their nature, and their fruit greater and sweeter, and of differing taste, smell, colour, and figure from their nature; and many of them we so order that they become of medicinal use.

"We have also means to make divers plants rise by mixtures of earths without seeds; and likewise to make divers new plants differing from the vulgar, and to make one tree or plant turn into another.

"We have also parks and inclosures of all sorts of beasts and birds; which we use not only for view or rareness, but likewise for dissections and trials, that thereby we may take light what may be wrought upon the body of man; wherein we find many strange effects: as, continuing life in them, though divers parts, which you account vital, be perished and taken forth; resuscitating of some that seem dead in appearance, and the like. We try also poisons and other medicines upon them, as well of surgery as physic. By art likewise we make them greater or taller than their kind is, and contrariwise dwarf them and stay their growth; we make them more fruitful and bearing than their kind is, and contrariwise barren and not generative. Also we make them differ in colour, shape, activity, many ways. We find means to make commixtures and copulations of divers kinds, which have produced many new kinds, and them not barren, as the general opinion is. We make a number of kinds of serpents, worms, flies, fishes, of petrufaction; whereof some are advanced (in effect) to be perfect creatures, like beasts or birds, and have sexes, and do propagate. Neither do we this by chance, but we know beforehand of what matter and commixture, what kind of those creatures will arise.

"We have also particular pools where we make trials upon fishes, as we have said before of beasts and birds.

"We have also places for breed and generation of those kinds of worms and flies which are of special use, such as are with you, your silkworms and bees.

"I will not hold you long with recounting of our brewhouses, bakehouses, and kitchens, where are made divers drinks, breads, and meats, rare and of special effects. Wines we have of grapes, and drinks of other juice, of fruits, of grains, and of roots; and of mixtures with honey, sugar, manna, and fruits dried and decocted; also of the tears, or woundings of trees, and of the pulp of canes. And these drinks are of several ages, some to the age or last of forty years. We have drinks also brewed with several herbs and roots and spices, yea, with several fleshes and white-meats; whereof some of the drinks are such, as they are in effect meat and drink both, so that divers, especially in age, do desire to live with them; with little or no meat or bread. And above all we strive to have drinks of extreme thin parts, to insinuate into the body, and yet without all biting, sharpeness, or fretting; insomuch as some of them put upon the back of your hand will, with a little stay, pass through to the palm, and yet taste mild to the mouth. We have also waters which we ripen in that fashion as they become nourishing, so that they are indeed excellent drink; and many will use no other. Breads we have of several grains, roots, and kernels; yea, and some of flesh and fish dried, with divers kinds of leavenings and seasonings; so that some do extremely move appetites; some do nourish so, as divers do live on them, without any other meat, who live very long. So for

meats, we have some of them so beaten and made tender and mortified, yet without all corrupting, as a weak heat of the stomach will turn them into good chylus, as well as a strong heat would meat otherwise prepared. We have some meats also, and breads and drinks, which taken by men enable them to fast long after; and some other that used make the very flesh of men's bodies sensibly more hard and tough, and their strength far greater than otherwise it would be.

"We have dispensatories, or shops of medicines, wherein you may easily think, if we have such variety of plants and living creatures more than you have in Europe (for we know what you have), the simples, drugs, and ingredients of medicines must likewise be in so much the greater variety. We have them likewise of divers ages, and long fermentations. And for their preparations, we have not only manner of exquisite distillations and separations, and especially by gentle heats, and percolations through divers strainers, yea and substances; but also exact forms of composition, whereby they incorporate almost as they were natural simples.

"We have also divers mechanical arts which you have not, and stuffs made by them; as papers, linen, silks, tissues, dainty works of feathers of wonderful lustre, excellent dyes, and many others; and shops likewise as well for such as are not brought into vulgar use amongst us, as for those that are. For you must know, that of the things before recited many are grown into use throughout the kingdom; but yet, if they did flow from our invention, we have of them also for patterns and principles.

"We have also furnaces of great diversities, and that keep great diversity of heats, fierce and quick, strong and constant, soft and mild, blown, quiet, dry, moist, and the like. But, above all, we have heats in imitation of the sun's and heavenly bodies' heats, that pass divers inequalities, and, as it were, orbs, progresses, and returns, whereby we may produce admirable effects. Besides, we have heats of dungs, and of bellies and maws of living creatures, and of their bloods and bodies; and of hays and herbs laid up moist; of lime unquenched, and such like. Instruments, also, which generate heat only by motion; and further, places for strong insolations; and, again, places under the earth which by nature or art yield heat. These divers heats we use as the nature of the operation which we intend requireth.

"We have also perspective-houses, where we make demonstration of all lights and radiations, and of all colours; and of things uncoloured and transparent, we can represent unto you all several colours, not in rainbows, as it is in gems and prisms, but of themselves single. We represent, also, all multiplications of light, which we carry to great distance, and make so sharp as to discern small points and lines; also all colorations of light, all delusions and deceits of the sight, in figures, magnitudes, motions, colours; all demonstrations of shadows. We find, also, divers means yet unknown to you of procuring of light originally from divers bodies. We procure means of seeing objects afar off, as in the heavens, and remote places; and represent things near as far off, and things afar off as near, making feigned distances. We have also helps for the sight far above spectacles and glasses in use. We have also glasses and means to see small and minute bodies perfectly and distinctly, as the shapes and colours of small flies and worms, grains and flaws in gems, which cannot otherwise be seen; observations in urine and blood, not otherwise to be seen. We make artificial rainbows, halos, and circles about light. We represent also all manner of reflections, refractions, and multiplication of visual beams of objects.

"We have also precious stone of all kinds, many of them of great beauty, and to you unknown; crystals likewise, and glasses of divers kinds, and amongst them some of metals vitrificated, and other materials, besides those of which you make glass. Also a number of fossils and imperfect minerals which you have not; likewise loadstones of prodigious virtue, and other rare stones both natural and artificial.

"We have also sound-houses, where we practise and demonstrate all sounds and their generation. We have harmonies, which you have not, of quarter-sounds, and lesser slides of sounds; divers instruments likewise to you unknown, some sweeter than any you have; with bells and rings that are dainty and sweet. We represent small sounds as great and deep, likewise great sounds extenuate and sharp. We make divers tremblings and warbling of sounds, which in their original are entire; we represent and imitate all articulate sounds and letters, and the voices and notes of beasts and birds. We have certain helps, which set to the ear do further the hearing greatly. We have also divers strange and artificial echos reflecting the voice many times, and as it were tossing it; and some that give back the voice louder than it came, some shriller, and some deeper; yea, some rendering the voice differing in the letters or articulate sound from that they receive. We have also means to convey sounds in trunks and pipes in strange lines and distances.

"We have also perfume-houses, wherewith we join also practises of taste: we multiply smells, which may seem strange; we imitate smells, making all smells to breathe out of other mixtures than those that give them. We make divers imitations of taste likewise, so that they will deceive any man's taste. And in this house we contain also a confiture-house, where we make all sweetmeats dry and moist, and divers plea-

sant wines, milks, broths, and salads, in far greater variety than you have.

"We also have engine-houses, where are prepared engines and instruments for all sorts of motions. There we imitate and practice to make swifter motions than any you have, either out of your muskets, or any engine that you have; and to make them and multiply them more easily, and with small force, by wheels and other means; and to make them stronger and more violent than yours are, exceeding your greatest cannons and basilisks. We represent also ordinance and instruments of war, and engines of all kinds; and likewise new mixtures and compositions of gunpowder, wildfires burning in water, and unquenchable; also fireworks of all variety, both for pleasure and use. We imitate also flights of birds: we have some degrees of flying in the air: we have ships and boats for going under water, and brooking of seas; also swimming-girdles and supporters. We have divers curious clocks, and other like motions of return, and some perpetual motions. We imitate also motions of living creatures by images of men, beasts, birds, fishes, and serpents: we have also a great number of other various motions, strange for quality, fineness, and subtilty.

"We have also a mathematical house, where are represented all instruments, as well of geometry as astronomy, exquisitely made.

"We have also houses of deceits of the senses, where we represent all manner of feats of juggling, false apparitions, impostures, and illusions and their fallacies. And surely you will easily believe that we that have so many things truly natural, which induce admiration, could in a world of particulars deceive the senses, if we would disguise those things, and labour to make them more miraculous. But we do hate all impostures and lies, insomuch as we have severely forbidden it to all our fellows, under pain of ignominy and fines, that they do not show any natural work or thing adorned or swelling, but only pure as it is, and without all affectation of strangeness.

"These are, my son, the riches of Solomon's House.

"For the several employments and offices of our fellows, we have twelve that sail into foreign countries under the names of other nations (for our own we conceal), who bring us the books and abstracts, and patterns of experiments of all other parts. These we call 'merchants of light.'

"We have three that collect the experiments which are in all books. These we call 'depredators.'

"We have three that collect the experiments of all mechanical arts, and also of liberal sciences, and also of practices which are not brought into arts. These we call 'mystery men.'

"We have three that try new experiments, such as themselves think good. These we call 'pioneers' or 'miners.'

"We have three that draw the experiments of the former four into titles and tables, to give the better light for the drawing of observations and axioms out of them. These we call 'compilers.'

"We have three that bend themselves, looking into the experiments of their fellows, and cast about how to draw out of them things of use and practice for man's life and knowledge, as well for works as for plain demonstration of causes, means of natural divinations, and the easy and clear discovery of the virtues and parts of bodies. These we call 'dowry men,' or 'benefactors.'

"Then, after divers meetings and consults of our whole number, to consider of the former labours and collections, we have three that take care out of them to direct new experiments of a higher light, more penetrating into nature than the former. These we call 'lamps.'

"We have three others that do execute the experiments so directed, and report them. These we call 'inoculators.'

"Lastly, we have three that raise the former discoveries by experiments into greater observations, axioms, and aphorisms. These we call 'interpreters of nature.'

"We have also, as you must think, novices and apprentices, that the succession of the former employed men do not fail; besides a great number of servants and attendants, men and women. And this we do also; we have consultations which of the inventions and experiences which we have discovered shall be published, and which not; and take all an oath of secrecy for the concealing or those which we think meet to keep secret, though some of those we do reveal sometimes to the state, and some not.

"For our ordinances and rites, we have two very long and fair galleries. In one of these we place patterns and samples of all manner of the more rare and excellent inventions; in the other we place the statues of all principal inventors. There we have the statue of your Columbus, that discovered the West Indies; also the inventor of ships; your monk that was the inventor of ordinance and of gunpowder; the inventor of music; the inventor of letters; the inventor of printing; the inventor of observations of astronomy; the inventor of works in metal; the inventor of glass; the inventor of silk of the worm; the inventor of wine; the inventor of corn and bread; the inventor of sugars: and all these by more certain tradition than you have. Then we have divers inventors of our own, of excellent works, which, since you have not seen, it were too long to make descriptions of them; and besides, in the right understanding of those descriptions you

might easily err. For upon every invention of value, we erect a statue to the inventor, and give him a liberal and honourable reward. These statues are some of brass; some of marble and touchstone; some of cedar, and other special woods gilt and adorned; some of iron; some of silver; some of gold.

"We have certain hymns and services, which we say daily of laud and thanks to God for his marvellous works; and forms of prayers imploring his aid and blessing for the illumination of our labours, and the turning them into good and holy uses.

"Lastly, we have circuits or visits of divers principal cities of the kingdom, where, as it cometh to pass, we do publish such new profitable inventions as you think good. And we do also declare natural divinations of diseases, plagues, swarms of hurtful creatures, scarcity, tempests, earthquakes, great inundations, comets, temperature of the year, and divers other things, and we give counsel thereupon what the people shall do for the prevention and remedy of them."

And when he had said this, he stood up; and I, as I had been taught, kneeled down, and he laid his right hand upon my head, and said, "God bless thee, my son, and God bless this relation which I have made; I give thee leave to publish it for the good of other nations, for we here are in God's bosom, a land unknown." And so he left me, having assigned a value of about two thousand ducats for a bounty to me and my fellows; for they give great largesses where they come upon all occasions.

*(The rest was not perfected.)*

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